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L A W S

OF THE

STATE OF MISSISSIPPI

PASSED AT A REGULAR SESSION

OF THE

MISSISSIPPI LEGISLATURE

HELD IN THE CITY OF JACKSON

COMMENCING JANUARY 5, 1904, ENDING MARCH 22, 1904

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LAWS

OF THE

STATE OF MISSISSIPPI

CHAPTER I.

H. B. No. 355.

AN ACT to appropriate money to defray the expenses of the legislative, executive and judicial departments of the State government, and to pay the interest on State debt.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums of money, or as much thereof as may be necessary, be, and the same are hereby appropriated out of any funds in the State treasury not otherwise appropriated, for the purpose of defraying the expenses of the executive, legislative and judicial departments of the State government, and to pay interest on State debt:

EXECUTIVE DEPARTMENT.

Governor's salary for the year 1904.....	\$ 4,500 00
Governor's salary for the year 1905.....	4,500 00
Private Secretary, for the year 1904.....	1,200 00
Private Secretary, for the year 1905.....	1,200 00
Assistant Secretary, for the year 1904.....	400 00
Executive contingent fund, for the year 1904.....	5,000 00
Executive contingent fund, for the year 1905.....	5,000 00

EXPENSES AUDITOR'S OFFICE.

Auditor's salary for the year 1904.....	\$ 2,500 00
Auditor's salary for the year 1905.....	2,500 00
Deputy Auditor, for the year 1904.....	1,250 00
Deputy Auditor, for the year 1905.....	1,250 00
Four clerks, for the year 1904.....	4,000 00
Four clerks, for the year 1905.....	4,000 00

SECRETARY OF STATE.

Salary Secretary of State, year 1904.....	\$ 2,000 00
Salary Secretary of State, year 1905.....	2,000 00
Salary of clerk, Secretary of State's office, 1904.....	1,000 00
Salary of clerk, Secretary of State's office, 1905.....	1,000 00
Additional clerical assistance for 1904.....	150 00

LAWS OF THE

TREASURER'S OFFICE.

State Treasurer, salary for the year 1904.....	\$ 2,500 00
State Treasurer, salary for the year 1905.....	2,500 00
Salary of general clerk for the year 1904.....	1,250 00
Salary of general clerk for the year 1905.....	1,250 00
Salary of bookkeeper for the year 1904.....	1,000 00
Salary of bookkeeper for the year 1905.....	1,000 00

SUPERINTENDENT OF EDUCATION.

Salary of Superintendent of Education, year 1904....	\$ 2,000 00
Salary of Superintendent of Education, year 1905....	2,000 00
Salary of clerk for the year 1904.....	900 00
Salary of clerk for the year 1905.....	900 00
Traveling expenses for the year 1904.....	500 00
Traveling expenses for the year 1905.....	500 00

Traveling expenses to be paid out on an itemized statement made to the Auditor.

STATE LIBRARIAN.

Salary of State Librarian for the year 1904.....	\$ 1,500 00
Salary of State Librarian for the year 1905.....	1,500 00

ADJUTANT-GENERAL.

Salary of Adjutant-General for the year 1904.....	\$ 600 00
Salary of Adjutant-General for the year 1905.....	600 00

STATE BOARD OF ELECTION COMMISSIONERS.

For the year 1904.....	\$ 100 00
For the year 1905.....	100 00

PENITENTIARY BOARD OF CONTROL AND RAILROAD COMMISSIONERS.

Salaries of three Commissioners, for the year 1904....	\$ 6,000 00
Salaries of three Commissioners, for the year 1905....	6,000 00
Clerk of Railroad Commission for year 1904.....	1,200 00
Clerk of Railroad Commission for year 1905.....	1,200 00

JUDICIAL DEPARTMENT.

Salaries of Supreme Court Judges for the year 1904...	\$ 12,500 00
Salaries of Supreme Court Judges for the year 1905...	12,500 00
Salary of stenographer Supreme Court, 1904.....	900 00
Salary of stenographer Supreme Court, 1905.....	900 00
Recording opinions Supreme Court for 1904 and 1905.	800 00
Books, stationery, etc., Supreme Court, 1904 and 1905.	1,200 00
For fees in civil cases adjudged against the State in 1904 and 1905	150 00
Porter for Supreme Court for 1904 and 1905.....	600 00

For deficit in porter's salary for 1902 and 1903.....	\$ 200 00
Marshal for Supreme Court for 1904 and 1905.....	720 00
For salaries, seven Chancellors, for 1904.....	19,250 00
For salaries, seven Chancellors, for 1905.....	19,250 00
For salaries, eleven Circuit Judges, for 1904.....	30,250 00
For salaries, eleven Circuit Judges, for year 1905....	30,250 00
For salaries, eleven District Attorneys, for year 1904..	26,400 00
For salaries, eleven District Attorneys, for year 1905..	26,400 00
For special Judges and Chancellors for 1904 and 1905.	8,000 00
Salary for Attorney-General for 1904.....	2,500 00
Salary for Attorney-General for 1905.....	2,500 00
Salary for Assistant Attorney-General for 1904.....	2,000 00
Salary for Assistant Attorney-General for 1905.....	2,000 00
Clerical assistance for Attorney-General for 1904.....	600 00
Clerical assistance for Attorney-General for 1905.....	600 00
For printing Supreme Court Reports for 1904 and 1905.	15,000 00

And \$2,750 for the year 1904 and \$2,750 for the year 1905, in case this Legislature shall create a new Chancery Court District.

LAND COMMISSIONER.

Salary of Land Commissioner for the year 1904.....	\$ 1,800 00
Salary of Land Commissioner for the year 1905.....	1,800 00

And the sum of five hundred dollars (\$500), or so much thereof as may be necessary, for each of the years 1904 and 1905, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to defray the actual and necessary expenses of the Land Commissioner in looking after the lands belonging to the State, and preventing trespasses and depredation thereon, and in transcribing such records in his office which, in his judgment, need or require such transcribing.

For Assessors for the year 1904.....	\$ 35,000 00
For Assessors for the year 1905.....	35,000 00
For summer normal for the year 1904.....	5,000 00
For summer normal for the year 1905.....	5,000 00

Provided, that any amount which may be received by the State Board of Education from the Peabody Fund shall be deducted from the said five thousand dollars (\$5,000) for each of said years, so that the amount expended for summer normals shall be, and not exceed, five thousand dollars (\$5,000) per annum, including such amount so received from said Peabody Fund.

Interest on Chickasaw School Fund for 1904.....	\$ 58,527 09
Interest on Chickasaw School Fund for 1905.....	58,527 09
Interest on other State indebtedness for 1904.....	34,120 00
Interest on other State indebtedness for 1905.....	34,120 00
For printing the report of the several departments, the benevolent institutions, Laws and Journals, all the printing and advertising, as ordered by the Legisla-	

ture, for the session of 1904, and all miscellaneous
 printing for the year 1904..... \$ 15,000 00
 For the year 1905 10,000 00

All accounts for printing shall be approved by the Governor; and provided that no part of this appropriation shall be paid for printing reports required to be made to the Legislature, unless the printed report shall be delivered on the first day of the session to which the report is required to be made.

For paying the per diem and mileage of the Trustees of the various benevolent institutions of the State for the years 1904 and 1905..... \$ 2,000 00

Provided, such trustees before being paid shall file an itemized account of their expenses, and the same shall be kept as a record in the Auditor's office.

SEC. 2. That this Act shall take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 2.

H. B. No. 2.

AN ACT making an appropriation to defray the expenses of the regular session of the Legislature of 1904.

Expenses of legislature.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of eighty thousand dollars (\$80,000), or so much thereof as may be necessary, be appropriated to pay the salary and mileage of members of the Legislature for the regular session of 1904, and that eight thousand dollars (\$8,000) as a contingent fund for the House of Representatives, and five thousand five hundred dollars (\$5,500) as a contingent fund for the Senate, be also appropriated.

Legislative contingent fund.

SEC. 2. The Secretary and all employes of the Senate, and the Clerk and all the employes of the House, shall be paid out of the contingent fund, which shall be expended under the direction of the Senate or the House, as the case may be, on certificate of the presiding officer, countersigned by the Secretary of the Senate or Clerk of the House.

SEC. 3. That this Act take effect and be in force from and after its passage.

Approved January 13, 1904.

CHAPTER 3.

H. B. No. 7.

AN ACT to appropriate money for the support of the common schools of the State of Mississippi for the years 1904 and 1905.

Appropriation for common schools; poll tax retained in counties.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That one million two hundred and fifty thousand dollars (\$1,250,000), exclusive of the poll tax, to be retained in the counties where the same is collected, be appropriated out of any funds in the State treasury not otherwise appropriated for the support of the common schools of the State for the year 1904; and one million two hundred and fifty thousand dollars (\$1,250,000), exclusive of the poll tax, to be retained in the counties where the same is collected, for the support of the common schools for the year 1905.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved February 29, 1904.

CHAPTER 4.

S. B. No. 79.

AN ACT to make appropriation for the support of the University of Mississippi for the years 1904 and 1905, and for buildings and equipment needed, and for other necessary expenses.

Appropriation for University of Mississippi.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That there shall be, and is hereby, appropriated out of any funds in the State Treasury not otherwise appropriated, to meet the ordinary and special needs of the University of Mississippi for the years 1904 and 1905, and for the purposes herein shown, the following sums, not more than one-half of the total of which shall be paid out of the treasury before January 1, 1905:

Interest on seminary fund and land grant fund.

For current expenses of the University of Mississippi the sum of thirty-two thousand six hundred and forty-three (\$32,643.00) dollars for the year 1904, and a like sum for the year 1905, being the interest due on the first seminary land grant fund; and the sum of eight thousand and eighty dollars and nine cents (\$8,080.09) for the year 1904, and eight thousand and eighty dollars and nine cents (\$8,080.09) for the year 1905, being the interest due on the 1894 land grant fund, being a total of \$81,446.18.

For current expenses of instruction, supplementary to interest on seminary and land grant funds, in 1904 and 1905, thirteen thousand five hundred dollars for each year, making for the two years a total of..	\$ 27,000 00
For payment of indebtedness due January 1, 1904...	15,600 36
For insurance on buildings and materials, 1904 and 1905	2,000 00
For repairs on buildings.....	4,000 00
For apparatus and equipment for scientific department.	12,500 00
For building or buildings and furnishing for infirmary needed	10,000 00
For furniture for new and old public buildings.....	3,500 00
For books needed for library.....	3,000 00

Manner of drawing funds.

The funds hereby appropriated, or such part thereof as may be necessary for the purposes indicated, shall be drawn from the State treasury in the manner prescribed by law, and expended under the direction of the Board of Trustees of the University of Mississippi, only for the purposes indicated, and it is intended and expected that the appropriation carried by this Act shall pay every obligation of the University to January 1st, 1906, excepting the sum due the La Bauve Fund January 1st, 1904.

SEC. 2. The appropriations carried by this Act are made on the condition that the Board of Trustees shall relieve the Chancellor of the arduous duties of managing the finances of the institution.

SEC. 3. This Act shall go into effect from and after the date of its passage.

Approved March 7, 1904.

CHAPTER 5.

H. B. No. 443.

AN ACT to appropriate money for the support of the Industrial Institute and College at Columbus, and for paying the cost of removing and remodeling the dormitory known as "Moore Hall" (formerly "The White House"), and for artesian well, for steam heating in the "Tom Franklin" Hospital, for furnishing the Industrial Hall and the Chapel, for new boiler house and moving water tank, for paying premiums on insurance on buildings, etc., for expense incident to Trustees' meetings and printing of catalogues, reports, etc., for benefit of library and for erecting and furnishing a music hall and for necessary repairing.

For support of Industrial Institute and college; removal of Moore hall; building artesian well; heating, etc.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums be and the same are hereby appropriated from any funds in the State treasury not already

appropriated for the support of the Industrial Institute and College at Columbus, and for paying the cost of removing and remodeling the dormitory known as "Moore Hall" (formerly "The White House") for artesian well, for steam heating in the "Tom Franklin" Hospital, for furnishing the Industrial Hall and the Chapel, for new boiler house and moving water tank, for paying premiums on insurance on buildings, etc., for expenses incident to trustees' meetings, printing of catalogues, report, etc., for benefit of library and for erecting and furnishing a music hall and for necessary repairing during the years 1904 and 1905, to wit:

Appropriations and interest on land sales.

Salaries and support for 1904.....	\$ 40,000 00
Salaries and support for 1905	40,000 00
For removing and remodeling dormitory known as "Moore Hall," and for artesian well.....	10,000 00
For supplying the "Tom Franklin" Hospital with steam heat	2,500 00
For furnishing the industrial hall and chapel.....	7,000 00
For paying premiums for insurance on buildings, etc	3,000 00
For students' labor fund for 1904.....	3,500 00
For students' labor fund for 1905.....	3,500 00
For new boiler house and moving water tanks.....	5,000 00
For trustees' meetings and printing for 1904.....	1,000 00
For trustees' meetings and printing for 1905.....	1,000 00
For the purchase of books and periodicals for 1904...	1,250 00
For the purchase of books and periodicals for 1905...	1,250 00
Accrued interest to November 1, 1903, upon funds paid into the State treasury as proceeds of sale of lands donated to said institution	20,769 50
Accrued interest from November 1, 1903, to May 1, 1904, upon funds paid into the State treasury as pro- ceeds of sale of lands donated to said institution....	4,694 66
Accrued interest from May 1, 1904, to November 1, 1904, upon funds paid into the State treasury as pro- ceeds of sale of lands donated to said institution....	4,694 66
Accrued interest from November 1, 1904, to May 1, 1905, upon funds paid into the State treasury as pro- ceeds of sale of lands donated to said institution....	4,694 66
Accrued interest from May 1, 1905, to November 1, 1905, upon funds paid into the State treasury as pro- ceeds of sale of lands donated to said institution....	4,694 66

How interest to be used.

The said interest not yet due to be paid, when it shall become due and payable as provided by law, and all of the said interest hereby appropriated to be used by the trustees of said institute and college under the supervision of the trustees thereof, and for the purpose of erecting and furnishing a music hall and for necessary repairs during the years 1904 and 1905.

How specific appropriations to be used.

SEC. 2. That the appropriation for specific items in this bill shall be used only for the purpose designated, and any surplus left over from any item shall be covered back into the State treasury, and no contract shall be made by the Board of Trustees or obligation incurred in excess of the appropriation herein made.

How to be drawn from treasury.

SEC. 3. That all the said amounts appropriated by Sections 1 and 2 of this Act may be drawn from the State treasury upon warrants drawn by the Auditor of Public Accounts, which said warrants shall be drawn as needed thereon, and issued upon the draft or written request of the President of the said institute and college, and with the written endorsement or approval of the Governor thereon; and the said Treasurer shall pay all of the said warrants out of any money in the treasury and not otherwise appropriated; provided, the said sum shall be drawn out of the State treasury only upon the conditions governing appropriations for the said institution for the years 1898 and 1899.

Money to be expended by trustees; report to be made.

SEC. 4. The money appropriated by this Act may be expended under the direction of, and with the approval of the Board of Trustees of said institute and college, and a report of all such expenditures shall be made to the Legislature, and said reports shall also contain itemized statement of all receipts and disbursements made in all departments; provided, that all sums hereby appropriated and not consumed as herein authorized shall be covered back into the State treasury.

SEC. 5. That this Act take effect and be in force from and after its passage.

Approved March 15, 1904.

CHAPTER 6.

H. B. No. 304.

AN ACT making an appropriation for the support, repairs, additional buildings, improvement and equipment of the Mississippi Agricultural and Mechanical College.

Appropriation for support, repairs and additional buildings for A. and M. college.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums be and are hereby appropriated for the support, repairs, additional buildings, improvement and equipment of the Mississippi Agricultural and Mechanical College:

Support fund for 1904.....	\$ 65,946 36
And interest on the agricultural land script fund and the interest on the recent sale of college land donated by the United States Government.....	14,387 25
Support fund for 1905.....	65,946 36
And the interest on the agricultural land script fund and the interest on recent sales of college lands do- nated by the United States Government.....	14,387 25
Farmers' institutes for 1904 and 1905.....	6,000 00
Completing engineering building and power house...	30,000 00
Quarters for working boys.....	3,000 00
New barns and improved cattle.....	10,000 00
Greenhouse for experimental work in horticulture and biology	3,000 00
Additional room for office commandant's house.....	250 00
Equipment mechanical department	4,500 00
Equipment for electrical department.....	6,500 00
Equipment geology	2,000 00
Equipment English, biological and preparatory.....	1,075 00
Fire escape, dormitory	1,000 00
Equipment textile department	4,587 50
Extension of fire protection.....	2,500 00
Completion of sewerage system.....	1,000 00
Y. M. C. A.....	100 00

How to be drawn from treasury; money to be expended by trustees; report to be made to legislature.

Said amounts to be paid by the State Treasurer out of any money in the State treasury not otherwise appropriated, as the necessities of the said institution may require, upon a written statement of the need of the said institution, made by the President or executive committee of said college, approved by the Governor. The money herein appropriated for additional buildings shall be expended under the direction, or with the approval, of the Board of Trustees of said college and a report of all such expenditures shall be made to the Legislature, and all sums hereby appropriated and not used shall be covered back into the State treasury. Provided, that the amount appropriated in this bill shall not be used for any other purposes, and no part of this appropriation made for the payment of specific item or items shall be used for the payment of any other item or items.

SEC. 2. The funds herein appropriated, together with any other funds of the college, are intended and expected to pay all obligations of the institution to January 1, 1906.

SEC. 3. That this Act shall take effect and be in force from and after its passage.

Approved March 14, 1904.

CHAPTER 7.

H. B. No. 209.

AN ACT making an appropriation for the support and maintenance of the Alcorn Agricultural and Mechanical College, and the erection of a dining hall for the use of the students of said college for the years 1904 and 1905.

Appropriation for support and addition building, Alcorn A. and M. college.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That there is hereby appropriated out of any money in the State treasury not otherwise appropriated the following sums of money for the support and maintenance of the Alcorn Agricultural and Mechanical College, to wit:

For support fund for the year 1904.....	\$ 8,000 00
For insurance, same year.....	2,000 00
For repairs of buildings, same year.....	1,500 00
Interest on agricultural land script fund, same year....	6,814 50
Interest on proceeds sale of college lands, same year (Chapter 46, Acts 1898).....	5,777 77
For erection of dining hall.....	5,000 00

And for the year 1905 the appropriation is hereby made as follows:

For support fund.....	\$ 8,000 00
For repairs on buildings.....	1,500 00
Interest on agricultural land script fund.....	6,814 50
Interest on proceeds of sale of college lands.....	5,777 77

Interest; how to be drawn.

Provided, the amounts herein appropriated for the payment of interest on agricultural land script fund and on funds for sale of college lands shall be paid only as said interest shall fall due, as provided by Section 212 of the Constitution, viz.: On the first day of May and November in the year 1904, and on the first day of May and November in the year 1905, and shall be used by the Trustees of said college in the support and maintenance of said college.

Report to be made to legislature.

Said Trustees to make specific detailed account of the expenditure of said interest funds separate and apart from reports of all other expenditures, in their report to the Legislature. Said interest money to be drawn out of the State treasury in the same manner as other appropriations made for the college at this session of the Legislature.

Surplus of one estimate may be applied to deficit of another.

SEC. 2. That in case any of the above estimates shall exceed the actual needs of the purposes for which made, and any other estimates shall be inadequate for the need for the purposes for which made, the Trustees may, if they so elect, apply the whole or any

part of any surplus arising on any estimate to any deficit arising in any other estimate, provided that the salaried teachers and others shall not exceed the amount allowed them, and any change made from estimate to estimate shall be reported by the Board of Trustees in their succeeding biennial report.

How money to be drawn from treasury.

SEC. 3. That the appropriations made and named in this Act may be drawn from the State treasury upon warrants thereon by the Auditor of Public Accounts, which said warrants shall be drawn and issued upon the draft of the President of said college with the written approval of the Governor thereon, and the Treasurer shall pay all of such warrants out of any money in the treasury not otherwise appropriated.

SEC. 4. That this Act take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 8.

H. B. No. 259.

AN ACT making an appropriation for the equipment and support of the Branch Agricultural Experiment Station at McNeill, Mississippi.

Appropriation for McNeill experiment station.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums be appropriated out of any money in the State treasury not otherwise appropriated for the equipment and support of the Branch Agricultural Experiment Station at McNeill, Mississippi.

For salary of Director, year 1904.....	\$ 1,500 00
For salary of foreman, year 1904.....	480 00
For buildings, equipments, live stock, etc.....	2,000 00
For experimental purposes	3,020 00
For salary of Director, year 1905.....	1,500 00
For salary of foreman, year 1905.....	480 00
For buildings, live stock, etc.....	1,000 00
For experimental purposes.....	3,020 00

How drawn and expended.

The money hereby appropriated shall be drawn and expended under the direction of the Board of Trustees of the Mississippi Agricultural and Mechanical College in the same manner as other appropriations for said college.

SEC. 2. This Act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 9.

S. B. No. 379.

AN ACT to make an appropriation for the support of the Branch Agricultural Stations to be located in the northwestern part of the State and in the Delta, or contiguous to the Delta, for the years 1904 and 1905.

Appropriations for branch agricultural stations.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of three thousand dollars (\$3,000) be, and the same is hereby, appropriated out of any money in the State treasury not otherwise appropriated for the support of the Branch Experimental Station in the northwestern part of the State of Mississippi, for the year 1904. And three thousand dollars (\$3,000) for the support of the Branch Experiment Station in the Delta or contiguous to the Delta, for the year 1905.

Appropriation to be drawn only under certain conditions.

SEC. 2. That no part of said appropriation be drawn from said State treasury until after the donation required for the establishment and location of said stations in the Acts creating the same have been made and said stations located by the Board of Trustees of the Agricultural and Mechanical College, as required by said Acts of creation. All payments made from said appropriation shall be made upon such vouchers of the Trustees of the Agricultural and Mechanical College and in the same manner as is provided for drawing support funds for said college.

SEC. 3. That this Act take effect and be in force from and after its passage.

Approved March 21, 1904.

CHAPTER 10.

H. B. No. 359.

AN ACT to make an appropriation to defray the expenses of the State Insane Hospital for the years 1904 and 1905.

Appropriation for state insane hospital.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums of money, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of defraying expenses of the State Insane Hospital for the years 1904 and 1905:

Support fund for 1904.....	\$138,000 00
Superintendent's salary for 1904.....	2,500 00
Support fund for 1905.....	138,000 00
Superintendent's salary for 1905.....	2,500 00

How appropriation to be drawn; its uses.

Said amounts to be drawn on accounts audited by the Board of Trustees and approved by the Governor; no part of said support fund to be used for any private purpose or for support or expenses of families of officers or employes, or for the payment or support of servants employed by or for themselves; provided, the appropriation shall be drawn out monthly at a rate not to exceed one hundred and fifteen dollars (\$115) per annum for each inmate in the hospital.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 11.**H. B. No. 551.**

AN ACT to appropriate money for repairing and repainting all of the buildings at the State Insane Hospital.

Appropriation for repainting buildings.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums, or so much thereof as may be necessary, are appropriated out of any money in the State treasury not otherwise appropriated, for the repairing of the ceiling, cement stucco and plastering on all the building at the State Insane Hospital and for other necessary repairs, the sum of four thousand nine hundred dollars (\$4,900). For painting all the buildings and other necessary repairs, the sum of five thousand dollars (\$5,000). The money hereby appropriated shall be drawn and expended under the direction of the Superintendent and the Board of Trustees.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 12.**H. B. No. 413.**

AN ACT to make an appropriation to defray the expenses of the East Mississippi Insane Hospital for the years 1904 and 1905.

Appropriation for East Mississippi insane hospital.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums of money, or so much thereof

as may be necessary, to be appropriated out of the State treasury from money not otherwise appropriated, to defray the expenses of the East Mississippi Insane Hospital, to wit:

For support fund for the year 1904.....	\$ 60,000 00
For Superintendent's salary for the year 1904.....	2,000 00
For support fund for the year 1905.....	60,000 00
For Superintendent's salary for the year 1905.....	2,000 00
For equipping and furnishing new cottage.....	5,000 00
For remodeling and extending heating plant and system	8,000 00
For repairing water tower and tank.....	1,500 00

How appropriation to be drawn; its uses.

No part of support fund to be used for any private purpose or for the support or expense of families of officers or employes, or for the payment or support of servants employed for or by themselves; provided, the appropriation shall be drawn out monthly at a rate not to exceed one hundred and twenty-five dollars (\$125) per annum for each inmate in the hospital. And that no part of said appropriation shall be paid out except on proper orders audited by the Board of Trustees and approved by the Governor; and the amounts appropriated in this bill shall not be used for any other purposes except those specifically mentioned.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 13.

H. B. No. 569.

AN ACT to provide for sewerage for the East Mississippi Insane Hospital and to secure the right of way therefor.

Appropriation for sewerage for East Mississippi insane hospital.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Trustees of the East Mississippi Insane Hospital are directed and authorized to construct at once, and as expeditiously as possible, and maintain a system of sewer drainage for the said hospital by laying sewer pipe of sufficient capacity to provide proper drainage for at least eight hundred patients. Such sewer shall be connected with the sewer system of the city of Meridian, or, if that connection cannot be made, then said sewer shall be carried to and connect with Sowashee Creek, or by such other route as may be agreed upon by owners of lands through which such sewer may run and the Trustees of said Insane Hospital, and said sewer shall be made permanent and safe from a sanitary

point, so as to remove and prevent any reasonable complaint on the part of residents or owners of land adjacent to such sewer.

Trustees to secure right of way.

SEC. 2. The Trustees are authorized to secure the right of way by agreement with owners of land or by arbitration with such owners, and in case such right of way cannot be secured upon reasonable terms, they shall notify the Attorney-General, who shall then proceed to have the right of way condemned under the right of eminent domain, as provided by law, and he may employ a local attorney or attorneys to assist in the proceedings herein authorized. Such attorneys, if so employed, shall be paid by the Trustees from the amount appropriated for said sewer.

The powers conferred by this section shall not be confined to the route to Sowashee Creek, or to a connection with the city sewerage, but may be exercised over any route that may be deemed most advantageous, provided an agreement cannot be reached as provided in Section 1.

May employ engineer to superintend construction.

SEC. 3. The Trustees aforesaid may employ an engineer to lay out and supervise the construction of said sewer and pay him such reasonable compensation as may be agreed upon, and do and perform such other acts as may be necessary to properly execute the provisions of this Act.

Appropriation for sewerage.

SEC. 4. For the purpose of carrying out the provisions of this Act, the sum of two thousand dollars (\$2,000) is hereby appropriated from the State treasury, to be drawn on the warrant of the Auditor of Public Accounts, upon accounts and vouchers furnished by the Trustees and approved by the Governor.

Supplemental appropriation.

SEC. 5. In addition to the above appropriation, the sum of fifteen hundred dollars (\$1,500) is hereby appropriated and set apart as a supplementary emergency fund, and in case no contract agreement or arrangement can be had to carry out the provisions of this Act within the first named appropriation, the Trustees shall report the fact to the Governor, with such recommendations as they may see proper to make. The Governor may, in his discretion, authorize the expenditure of all or any part of said emergency appropriation, but no contract, based on the same, shall be made until authorized by the Governor. This appropriation to be drawn in the same manner as that first named.

SEC. 6. That this Act take effect and be in force from and after its passage.

Approved March 17, 1904.

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H. B. No. 285.

AN ACT to make an appropriation to defray the expenses of the Institute for the Deaf and Dumb for the years of 1904 and 1905, and to erect an additional cottage to the institution.

Support and repairs for deaf and dumb institute.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That the following sums of money, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, to defray the expenses of the Institute for the Deaf and Dumb:

For the year 1904, salaries and wages.....	\$12,770 00
For the year 1904, support	12,500 00
For the year 1904, Superintendent's salary	1,750 00
For the year 1904, transportation	200 00
For the year 1904, expenses at Gaulaudet College.....	150 00
For the year 1904, library	200 00
For the year 1904, museum	200 00
For the year 1904, repairs on white department.....	150 00
For the year 1904, repairs on colored department.....	150 00
For the year 1904, insurance	390 00
For the year 1904, girls' sitting and study room.....	250 00
For the year 1904, additional cottage	4,000 00
For the year 1904, office safe	400 00
For the year 1904, laundry machinery and room.....	1,200 00
For the year 1904, plumbing for bathrooms.....	160 00
For the year 1904, type, etc., for printing office.....	250 00
For the year 1905, salaries and wages.....	12,770 00
For the year 1905, support	12,500 00
For the year 1905, Superintendent's salary	1,750 00
For the year 1905, transportation	200 00
For the year 1905, expenses Gaulaudet College.....	450 00
For the year 1905, library	200 00
For the year 1905, museum	200 00
For the year 1905, repairs on white department.....	150 00
For the year 1905, repairs on colored department.....	150 00
For the year 1905, insurance	400 00

How appropriation to be used; salary of superintendent; how paid.

SEC. 2. All accounts paid out of the above appropriation shall be ordered by the Board of Trustees and approved by the Governor, for which the Auditor of Public Accounts shall issue his warrant on the State Treasurer, provided that the salary of the Superintendent shall be paid as now provided by law for the payment of the salaries of the State officers. No part of said salary shall be used by the officers or employes or their families, except the Superintendent with his family, who shall reside in the institution, and such assistants as the Board of Trustees shall deem necessary for the proper care of the

deaf and dumb children of said institution for their private and individual support, and no part of this appropriation made for the payment of specific item or items shall be used for the payment of any other item or items.

SEC. 3. That this Act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 15.

H. B. No. 566.

AN ACT to appropriate money for the purpose of the purchase of the site, payment for plans and the erection of buildings for the Institution of the Deaf and Dumb.

Appropriation for purchase of site and erection of new buildings for deaf and dumb institute.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purchase of a suitable site, the payment of plans and for the erection of buildings for the Institution of the Deaf and Dumb. Said money hereby appropriated to be expended by and under the direction of the Institution for the Deaf and Dumb Commission in the manner provided by the Act creating said Commission.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 18, 1904.

CHAPTER 16.

H. B. No. 336.

AN ACT to make an appropriation to defray the expenses of the Institution for the Blind, and for other purposes.

Support and repairs for blind institute.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums of money, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to defray the expenses of the Institution for the Blind:

For the year 1904, salaries and wages.....	\$5,000 00
Support fund	6,000 00
Repairs	1,175 00
Furnishings	1,475 00
Transportation	100 00
Electricity and lights.....	300 00
Superintendent's salary	1,500 00
Salaries and wages for 1905.....	5,000 00
Support fund	6,500 00
Repairs	500 00
Furnishings	500 00
Transportation	100 00
Electricity and lights.....	300 00
Superintendent's salary	1,500 00

How appropriation to be used.

All accounts paid out of the above appropriations shall be supported by vouchers and audited by Board of Trustees and approved by the Governor, for which the Auditor of Public Accounts shall issue his warrant upon the State treasury, and no part of said sum shall be used by the officers or employes or their families of said institution for their private or individual use, but they shall have their board and lodging at the institution.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 5, 1904.

CHAPTER 17.

H. B. No. 385.

AN ACT to provide for the support and maintenance of the State Charity Hospital at Vicksburg.

Support and maintenance state charity hospital at Vicksburg.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the following sums of money be, and the same are hereby appropriated out of any money in the State treasury not otherwise appropriated, to defray the expenses of the State Charity Hospital at Vicksburg for the years 1904 and 1905:

For lighting, \$45 per month.....	\$ 1,080 00
For ambulance, driver, and care of horses, \$40 per month.....	960 00
For laundry, fuel, laundrymen and machinists and laundry women, \$45 per month.....	1,080 00
For consumptive wards, forty beds and mattresses at \$8 per; bed clothes, tables and general fitting up, \$200....	520 00
Substituting iron beds, mattresses, etc., for old wooden beds, 100 beds and mattresses at \$8 per.....	800 00
Surgical instruments	500 00

General repairs	\$ 2,000 00
For support fund for the year 1904.....	12,000 00
For support fund for the year 1905.....	12,000 00

Vicksburg and Warren county to make donation.

Provided, that the city of Vicksburg and the county of Warren will give in addition thereto the sum of four thousand dollars (\$4,000) for each of said years.

How appropriation to be expended.

SEC. 2. That the money hereby appropriated shall be expended and the affairs of the hospital shall be conducted and managed in accordance with the provisions of House Bill No. 434, entitled An Act to provide for the management, control and supervision of the State Charity Hospital at Vicksburg, Mississippi, and to repeal all laws in conflict with this Act, and for other purposes.

SEC. 3. That this Act take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 18.

H. B. No. 433.

AN ACT to appropriate two thousand and five hundred dollars (\$2,500) for the year 1904, and two thousand and five hundred dollars (\$2,500) for the year 1905, for the maintenance of the Confederate Hospital Annex at Vicksburg, and to provide for the distribution of same.

For maintenance of Confederate hospital annex.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of two thousand and five hundred dollars (\$2,500) for the year 1904, and two thousand and five hundred dollars (\$2,500) for the year 1905 be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the support and maintenance of the Confederate Hospital and Annex at Vicksburg, Mississippi.

Trustees, how appointed; shall keep itemized account of all moneys expended.

SEC. 2. That the Governor shall, within twenty days after the passage of this Act, appoint the President of the Vicksburg Chapter of United Daughters of the Confederacy and two other suitable women, members of the United Daughters of the Confederacy and residents of Warren County, who shall constitute a Commission and who shall have full power of governing the Confederate Annex and the employing of persons to wait in the Hospital, for purchasing food and necessary articles of furniture and making any needed improvement to buildings. The Commission shall keep an accurate account of all money expended with vouchers of same, and report the same monthly to the Trustees of the Charity Hospital, who shall,

upon the receipt of said report, cause to be issued a warrant upon the treasury of the State for payment of all expenditures made by the Commission, not to exceed the amount appropriated by this Act.

Record to be kept; matron to be employed.

SEC. 3. The Commission shall cause to be kept at the Annex a well-bound book, in which all names of Confederate veterans, inmates of Hospital, shall be enrolled, with company, regiment and State, if a soldier, and if in the navy, the Commander's name and the ship or boat, where service was performed. The date of receipt of patients at Hospital, date of discharge or death. The Commission shall employ a competent matron at a salary of not more than thirty dollars (\$30) per month, who shall have supervision of the Annex and all employes of same, and shall report in writing to the Commission all expenditures made, with itemized account of same.

Meetings of commission; when held.

SEC. 4. The Commission shall meet at the Annex once in each month, a majority of the Board shall constitute a quorum. The President of the Vicksburg Chapter of the United Daughters of the Confederacy shall be President of the Board of Commissioners and shall have power to call meetings of Board and fix time for same. A Secretary shall be selected from their number, who shall keep a record of all meetings and business transacted, and shall report on September 1st each year to the Board of Trustees of the Charity Hospital an explicit statement of the Annex, its expenditures, etc., and the same shall be printed with the Superintendent's report of the Charity Hospital made to the Legislature before each meeting of same.

Tenure of commissioners.

The Commissioners shall be appointed for one year and serve until their successors are appointed.

SEC. 5. That this Act take effect and be in force from and after its passage.

Approved March 15, 1904.

CHAPTER 19.

H. B. No. 287.

AN ACT to appropriate money for the purposes of supplying the urgent, immediate and necessary wants of the State Charity Hospital at Vicksburg, Mississippi, and the sick and indigent patients therein.

Emergency appropriation, state charity hospital.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the sum of twelve hundred and fifty dollars (\$1,250)

for the month of January, and twelve hundred and fifty dollars (\$1,250) for the month of February, 1904, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, as an emergency fund to be used for the urgent, immediate and necessary wants and demands of the State Charity Hospital of Vicksburg, Mississippi, and the sick and indigent patients therein and thereof.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 20.

H. B. No. 318.

AN ACT to provide for the support and maintenance of the Natchez Hospital by appropriation.

Support and maintenance Natchez hospital; city of Natchez and county of Adams to make donation.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of sixteen thousand dollars (\$16,000) for the year 1904, and the sum of sixteen thousand dollars (\$16,000) for the year 1905, be, and are hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purpose of supporting and maintaining the Natchez Hospital for said years, provided the Board of Mayor and Aldermen of the city of Natchez and the Board of Supervisors of Adams County shall provide three thousand five hundred dollars (\$3,500) a year, a support fund, to be drawn monthly in proportionate amount to that drawn from the State treasury.

Consumptives to be cared for.

SEC. 2. That out of the appropriation for 1904 and 1905 the sum of fifteen hundred dollars (\$1,500) per annum, or so much thereof as may be necessary, shall be used in caring for the consumptives to be placed in the isolated consumptive wards.

New building to be erected.

SEC. 3. That in addition to the yearly support fund of sixteen thousand dollars (\$16,000) for 1904 and 1905 the further sum of five thousand dollars (\$5,000) be, and is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purpose of erecting upon the grounds of Natchez Hospital a cottage residence for the surgeons, internes and nurses of said hospital.

Cottage residence may be removed.

In the event the State at any time ceases to use Natchez Hospital as a State Hospital, the State shall have the right to remove said cot-

tage residence, should the city of Natchez not purchase it on satisfactory terms.

How appropriation to be used.

SEC. 4. That the money hereby appropriated shall be expended and the affairs of the hospital shall be conducted and managed in accordance with the provisions of Chapter 15, Laws of 1900, being an Act entitled "An Act to provide for the support and maintenance of Natchez Hospital by appropriation," except that the Trustees, instead of including in their printed report to the Legislature the names of patients received and treated in said hospital, with their ages and nativity, may produce before the proper committees of the Legislature the books of the hospital, or copies therefrom, showing the names, ages and nativity of patients treated.

SEC. 5. That this Act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 21.

H. B. No. 175.

AN ACT to further carry into effect the contract made under Chapter 385, Acts of 1888, being an Act to better secure safety and health in the State institutions, etc., approved March 10, 1888, and defray expenses thereof.

Appropriation to light, heat and water company for protection of state property.

WHEREAS, Under an Act to better secure safety and health in the State institutions, etc., approved March 10, 1888, Governor J. M. Stone, Hon. Joel P. Walker, Gen. G. Y. Freeman, Hon. George G. Dillard and Hon. T. W. Sullivan were created a Commission to make and did make for the State of Mississippi a contract with the Light, Heat and Water Company on June 21, 1888, for a supply of water for the different State institutions at or near Jackson, for a period of years and which, by Chapter 47, Acts of 1890, was approved and confirmed; and,

WHEREAS, Under said contract the sums hereinafter specified will be due before the next Legislature can appropriate therefor, therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That to pay the sums to become due under said contract on May 15, 1904, and until and including May 15, 1906, to said Light, Heat and Water Company, the following sums of money are hereby appropriated out of any money not otherwise appropriated in the State treasury, and the Auditor of Public Accounts is directed to issue his warrants for the same as follows:

Institute for blind.

For the Institute of the Blind, the sum of one hundred and seventy-five dollars (\$175), due May 15, 1904, and the same amount semi-annually thereafter on the fifteenth days of October and May in each year up to and including May 15, 1906.

Executive mansion.

For the Executive Mansion the sum of seventy-five dollars (\$75), on May 15, 1904, and the same amount semi-annually thereafter on the fifteenth days of October and May of each year, up to and including May 15, 1906.

Deaf and dumb institute.

For the Deaf and Dumb Institute the sum of two hundred and seventy-five dollars (\$275), due May 15, 1904, and the same amount semi-annually thereafter on the fifteenth days of October and May in each year up to and including May 15, 1906.

Insane hospital.

For the Insane Hospital the sum of thirteen hundred and twenty-five dollars (\$1,325), due May 15, 1904, and the same amount semi-annually thereafter on the fifteenth days of October and May in each year, up to and including May 15, 1906; provided, as stipulated in said contract, that if the price named exceeds in cost on any one year the cheapest furnished by any similar company in any of the Southern States, with similar surroundings, then the price to conform to such amount, and provided that in case of destruction of any of said institutions by fire or by discontinuance, then such appropriation shall, as to such institutions, cease until the same is continued or rebuilt.

Appropriation, how paid.

The appropriations shall be used upon certificate of the Governor, Attorney-General and Secretary of State certifying that the Light, Heat and Water Company has complied with its contract.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 5, 1904.

CHAPTER 22.**S. B. No. 279.**

AN ACT to make an appropriation to defray the expenses of the State Board of Health for the years 1904 and 1905.

Support and maintenance of state board of health.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the following sums of money, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any

money in the State treasury not otherwise appropriated, to defray the expenses of the State Board of Health:

For the year 1904, as expense fund.....	\$2,500 00
For the year 1904, as emergency fund.....	5,000 00
For the year 1905, as expense fund.....	2,500 00
For the year 1905, as emergency fund.....	5,000 00

Restrictions on expenditure of emergency fund to be approved by Governor and Board of Public Contracts.

Appropriation, how drawn.

Said sums to be drawn from the State treasury as now provided by law; provided that said emergency funds shall only be expended in case of the appearance of a virulent epidemic or contagious or infectious disease in the State; provided, further, that no part of said emergency fund hereby appropriated shall be available for the purposes of the State Board of Health unless the same be advocated by written recommendation of the members of the Board of Public Contracts, with the approval of the Governor.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 23.

S. B. No. 367.

AN ACT to reimburse Dr. J. F. Hunter for amount paid by him as Secretary of the State Board of Health for vaccine points.

Appropriating two thousand dollars (\$2,000) to Dr. J. F. Hunter, secretary.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of two thousand dollars (\$2,000) be paid to Dr. J. F. Hunter, as Secretary of the State Board of Health, for amount paid out and expended by him for vaccine points in the years 1899 and 1900, as required to do under the Acts of 1896 of the State of Mississippi.

SEC. 2. That said sum of two thousand dollars (\$2,000) be paid out of any money in the State treasury not otherwise appropriated.

SEC. 3. That this Act take effect and be in force from and after its passage.

Approved March 18, 1904.

CHAPTER 24.

H. B. No. 174.

AN ACT to appropriate money for the support and maintenance and further equipment of the Penitentiary and State farms for years 1904 and 1905, and the month of January, 1906.

Support and equipment of penitentiary and state farms.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of seventeen thousand dollars (\$17,000), or so much thereof as may be necessary, be, and is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the current expenses of the Penitentiary for the month of January, 1904.

Two hundred thousand dollars (\$200,000) a year appropriated.

SEC. 2. That the sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary for the twelve months beginning February 1, 1904, and ending January 31, 1905, and a like sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, for the twelve months beginning February 1, 1905, and ending January 31, 1906, be, and is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the support and maintenance and further equipment and improvement of the Penitentiary and State farms.

Emergency fund of fifty thousand dollars (\$50,000).

SEC. 3. That the further sum of fifty thousand dollars (\$50,000) for the year 1904, and a like sum for the year 1905, or so much thereof as may be necessary, is hereby appropriated as an emergency fund, no part of which is to be used except on account of some unexpected or unforeseen condition, which in the opinion of the Board of Control absolutely demands its use, and if any part of said sum is used a specific itemized account and report thereof shall be made to the Legislature separately from the general appropriation herein. All moneys herein appropriated shall be drawn out on Auditor's warrant issued on the certificate of said Board of Control as provided by law.

SEC. 4. That this Act take effect and be in force from and after its passage.

Approved March 1, 1904.

CHAPTER 25.

H. B. No. 179.

AN ACT making an appropriation for the maintenance and support of the indigent soldiers, sailors, their wives and widows at "Beauvoir."

Beauvoir, support and maintenance of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums of money, or so much thereof as

may be necessary, be, and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purpose of maintaining, supporting and providing for the comfort of the indigent Confederate soldiers, sailors, their widows and wives at "Beauvoir":

For the year 1904, support fund.....\$10,000 00
For the year 1905, support fund..... 12,500 00

Board of six directors to have control.

SEC. 2. The said home, its preservation, management and control and the care of its inmates shall be vested in a board of six Directors appointed by the Governor, with the advice and consent of the Senate and for a term of four years and until successors are appointed and the Governor shall fill all vacancies which occur on the Board during a recess of the Senate. He shall be *ex officio* President of the Board, but the Board may select a temporary President in his absence. No person other than members of the Mississippi Division of the United Confederate Veterans and Sons of Confederate Veterans shall be eligible for Directors. Any Director may be removed by the Governor for neglect of duty or other proper cause.

Accounts, how paid.

SEC. 3. All accounts paid out of above appropriation shall be audited by the Board of Directors and approved by the Governor, for which the Auditor of Public Accounts shall issue his warrant upon the State treasury. The inmates of the "Beauvoir Home" shall not participate in the general appropriation for pensions, and the per capita expenditure shall not exceed one hundred and fifty dollars (\$150) annually.

Record of all admissions to be kept.

SEC. 4. The Board of Directors shall cause to be kept at "Beauvoir" a well-bound book in which all names of Confederate veterans, inmates of the Home, shall be enrolled, with company, regiment, and State, if a soldier, and if in the navy, the Commander's name and the ship or boat, when service was performed, the date of admission to Home and the date of discharge or death. Said Board of Directors shall not admit to the Home any soldier, sailor or widow not eligible to draw a pension under the pension laws of Mississippi.

Board to make report to legislature.

SEC. 5. The Board of Directors shall render to the next Legislature a full and complete itemized statement of the disbursement of the money hereby appropriated, and the members of said Board shall serve without compensation, except they may receive actual necessary expenses incurred in the discharge of their duties, to be paid out of the funds herein appropriated.

SEC. 6. That this Act take effect and be in force from and after its passage.

Approved March 15, 1904.

CHAPTER 26.

H. B. No. 96.

AN ACT to appropriate money for the relief of indigent soldiers, sailors, widows and servants of the war between the States.

Appropriation of two hundred and fifty thousand dollars (\$250,000) a year for Confederate pensions.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of two hundred and fifty thousand dollars (\$250,000) be, and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the year 1904, and the sum of two hundred and fifty thousand dollars (\$250,000) for the year 1905, for the payment of pensions provided for by the laws of the State of Mississippi, and the Auditor is hereby authorized to issue his warrants therefor to the persons entitled to pensions in the mode and manner as provided by the laws of the State of Mississippi. If a pensioner has died, or shall die at any time before the pension allowed has been received, there being no widow, then the Chancery Clerk of the county where the pensioner resides shall receipt to the County Treasurer for such pension, and out of the same first pay the burial expenses of the deceased pensioner; second the expenses of the last illness, and if there be any residue, pay same to the minor children of deceased pensioner, if any, and if not, to his heirs at law.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 27.

S. B. No. 311.

AN ACT to efficiently support and maintain the Mississippi National Guard, as contemplated in Section 221 of the Constitution of the State of Mississippi.

Support and maintenance of Mississippi national guard.

WHEREAS, Section 221 of the Constitution of the State of Mississippi provides that the Legislature shall make an annual appropriation for the efficient support and maintenance of the Mississippi National Guard; now, therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That an annual appropriation of seven thousand five hundred dollars (\$7,500) for the year 1904, and seven thousand five hundred dollars (\$7,500) for the year 1905, be, and the same is here-

by made, payable out of the funds in the treasury not otherwise appropriated, for the efficient support and maintenance of the Mississippi National Guard, as contemplated in Section 221 of the State Constitution, and two thousand dollars (\$2,000) annually of the amount shall be reserved to be used as an emergency fund.

How appropriation to be used.

SEC. 2. That no part of the said appropriation is to be paid out except under the order of the Governor, and that whatever amount out of said appropriation may be left over and not used at the end of each year, such amount shall be covered back into the treasury.

SEC. 3. That this Act shall take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 28.

S. B. No. 138.

AN ACT to pay the Adjutant-General of Mississippi the balance due him as salary for 1902 and 1903.

Balance due on salary adjutant-general.

WHEREAS, The Legislature of 1902 increased the salary of the Adjutant-General to six hundred dollars (\$600) annually (see S. B. No. 84, page 132, Laws of the State of Mississippi for 1902), but failed to make an appropriation for more than two hundred and fifty dollars (\$250) annually.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of seven hundred dollars (\$700) be, and is hereby appropriated, payable out of the funds in the treasury not otherwise appropriated, to pay the Adjutant-General the balance due him on his salary for 1902 and 1903.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved February 20, 1904.

CHAPTER 29.

H. B. No. 51.

AN ACT to make a donation to reimburse the Greenville Encampment Committee for expenses incurred in preparing for the State Encampment for the year 1900.

Greenville encampment committee, to reimburse.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of nine hundred and seventy dollars (\$970)

be, and the same is hereby donated out of any funds in the State treasury not otherwise appropriated, to reimburse R. W. Tilford, W. D. Robertshaw, B. P. Shelby and Sam Montgomery, composing the late Greenville Encampment Committee for the year 1900, for expenses incurred by them in preparing for the encampment for that year under orders of the Adjutant-General of the National Guard, which encampment was called off after said sum was expended.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 14, 1904.

CHAPTER 30.

H. B. No. 320.

AN ACT to appropriate money to pay the premium on bonds of State officers in guaranty or surety companies.

Pay premiums on bonds of state officers.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of five thousand five hundred dollars (\$5,500), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purpose of paying the premiums for the years 1904 and 1905, 1906 and 1907 on the bonds of State officers who are now or may be hereafter required by law to make their official bonds in a guaranty or surety company.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved February 29, 1904.

CHAPTER 31.

S. B. No. 90.

AN ACT to make an emergency appropriation for the care and keeping of the State House.

Emergency appropriation, state capitol.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of twenty-five hundred dollars (\$2,500), or as much thereof as may be necessary, is hereby appropriated out of any money, payable out of any money in the treasury not already appropriated, for the purpose of paying for fuel, lights, labor, janitors and any other necessary expenses for the care, keeping and

maintenance of the new capitol building, until a general appropriation shall be made therefor.

SEC. 2. Said sum hereby appropriated shall be payable upon itemized bills presented by the Secretary of State, as keeper of the capitol, to the Auditor, who shall issue his warrant on the treasury for the amount of said bills, as audited and allowed by him.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved January 26, 1904.

CHAPTER 32.

H. B. No. 565.

AN ACT to appropriate money to defray the expenses of conducting the Capitol building and the departments therein of the State Government.

Capitol building, appropriation for.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums of money, or so much thereof as may be necessary, are hereby appropriated out of any money in the State treasury not otherwise appropriated for the purpose of conducting the capitol building and the departments therein of the State government:

ENGINEER, WATCHMEN, AND PORTERS.

Engineer for operating machinery during 1904.....	\$ 2,850 00
Engineer for operating machinery during 1905.....	3,420 00
Salary of night watchman for 1904.....	550 00
Salary of night watchman for 1905.....	550 00
Salary of day watchman for 1904.....	480 00
Salary of day watchman for 1905.....	480 00

This appropriation shall be available so long as a Superintendent of Building and Grounds is not employed by Capitol Commission.

Salaries of capitol porters for 1904.....	1,300 00
Salaries of capitol porters for 1905.....	1,800 00

FUEL, WATER, AND GAS.

Fuel for 1904.....	\$ 1,500 00
Fuel for 1905.....	3,000 00
Water and sewerage for 1904.....	720 00
Water and sewerage for 1905.....	720 00
Gas for 1904	200 00
Gas for 1905	200 00

REPAIRS AND SUPPLIES.

Repairs on the capitol building and supplies, such as oil for the machinery, mops, brooms, cuspidors, toilet paper for closets, etc., for the year 1904.....	\$ 1,000 00
Same, for the year 1905.....	1,000 00

The Secretary of State shall render an itemized statement to the next Legislature of all disbursements under this Act.

Emergency fund, for repairs to machinery and electrical apparatus in case of accident or breakage, twenty-five hundred dollars (\$2,500) for each of the years 1904 and 1905. This fund to be used for no other purpose.

CONTINGENT EXPENSES OF STATE OFFICERS.

Fourteen telephones for State officers, for the year 1904.	\$ 336 00
Fourteen telephones for State officers, for the year 1905.	336 00
For stationery, telegraphic and telephone messages, postage, express charges and other incidental expenses of departments and contingent fund for all State officers except the Governor for the year 1904.....	5,000 00
Same for the year 1905.....	5,000 00

Limitations on contingent fund for state officers.

Provided, that departments, boards, or institutions to which appropriations are annually made shall not draw on the capitol account for any portion of their expenses.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 18, 1904.

CHAPTER 33.

S. B. No. 248.

AN ACT to appropriate money to furnish the Capitol and to grade and beautify its grounds and surroundings.

Capitol building; furnish same and grade and beautify grounds; appropriation for.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the following sums of money, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the State treasury not otherwise appropriated, and which shall be used for the specific purposes hereinafter named, and for no other:

- | | |
|--|-----------|
| a. For storm sewers and inlets, where necessary..... | \$ 600 00 |
| b. For completing grading of capitol grounds and street approaches, where necessary..... | 16,000 00 |

Provided, that no part of said amount shall be expended in the grading of any street or streets in the city of Jackson, unless the authorities of said city and the owners of the property along the street or streets to be graded shall consent in writing to said work on said streets, and thereby waive all claims for all damages growing out of the grading of said streets.

- | | |
|---|-------------|
| c. For watershed around capitol building..... | \$ 5,000 00 |
| d. For curb drainage, where necessary..... | 1,200 00 |
| e. For sodding, draining and other incidental expenses about capitol grounds..... | 2,500 00 |
| f. For relaying water or gas or sewer pipe, where necessary | 500 00 |
| g. For furniture for House of Representatives and for the Senate Chamber..... | 10,000 00 |
| h. For furniture for office of Board of Control..... | 150 00 |
| i. Storage vaults, Secretary of State's office, and other furniture | 2,500 00 |
| j. Storage vaults, Treasurer's office, and other furniture..... | 430 00 |
| k. Storage vaults, Auditor's office, and other furniture..... | 4,500 00 |
| l. For furniture for general office Superintendent of Education, and other furniture..... | 500 00 |
| m. Furniture, State Revenue Agent's office..... | 250 00 |
| n. Furniture for office of Adjutant-General..... | 300 00 |
| p. Furniture for private office Department of Archives and History | 500 00 |
| q. Furniture for storage room, Supreme Court..... | 2,000 00 |
| r. Furniture for storage room, State Library..... | 2,500 00 |
| s. Railroad Commissioners' office | 1,000 00 |

Money for furnishing legislative halls not to be drawn till 1905.

SEC. 2. That no money appropriated by this bill for properly furnishing the hall of the House of Representatives and Senate Chamber be drawn out of the State treasury till after January 1, 1905.

SEC. 3. That all moneys appropriated under this Act shall be drawn out of the treasury by the Capitol Commission, only as provided by law.

SEC. 4. That this Act take effect and be in force from and after its passage.

Approved March 21, 1904.

CHAPTER 34.

H. B. No. 317.

AN ACT to ratify, approve and confirm the contract entered into on the 26th day of October, 1903, by the Capitol Commission and Secretary of State with Joseph McDonnell for operating the heating and lighting plants and elevators of the Capitol, and to make an appropriation to pay Joseph McDonnell the amount now due him under said contract.

Contract for operating heating and lighting plant.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the contract entered into on the 26th day of October, 1903, by the Capitol Commission and Secretary of State with Joseph McDonnell for operating the heating and lighting plants and elevators of the capitol for the sum of two hundred and eighty-five dollars (\$285) per month, be, and is hereby, ratified, approved and confirmed, and that the sum of eleven hundred and forty dollars (\$1,140), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated for the purpose of paying Joseph McDonnell for what may be due him under said contract for services from October 26, 1903, to February 26, 1904.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved February 24, 1904.

CHAPTER 35.

H. B. No. 608.

AN ACT to ratify the contract entered into on the 6th day of November, 1903, by Mississippi State House Commission with Art Metal Construction, for metal fixtures in the Land Commissioner's office, and to appropriate money to pay the Art Metal Construction Company the amount due it under said contract.

Appropriation to Art Metal Company.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the contract entered into on the 6th day of November, 1903, by the Mississippi State House Commission with the Art Metal Construction Company, for metal fixtures in the office of the Land Commissioner, be approved, ratified and confirmed, and that the sum of fourteen hundred and seventy-five dollars (\$1,475) be, and the same is hereby, appropriated out of any moneys in the State treasury not otherwise appropriated, for the purpose of paying the Art Metal Construction Company for furniture for the Land

Commissioner's office, as per contract with the Mississippi State House Commission, said money to be paid out as provided by law.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 36.

H. B. No. 524.

AN ACT to provide for the payment of 2,050 lamps purchased by the Capitol Commission for use in the State Capitol.

Appropriation to pay for lamps.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of two hundred and eighty-two dollars and fifty cents (\$282.50) be, and the same is hereby, appropriated out of the general fund of the State treasury to pay to the Columbia Incandescent Lamp Company for two thousand and fifty lamps purchased by the Mississippi State Capitol Commission, which said lamps are now in use in said Capitol.

SEC. 2. That the Auditor of Public Accounts be, and he is hereby, authorized to issue his pay warrant on the State treasury in favor of said company for said sum.

SEC. 3. That this Act take effect and be in force from and after its passage.

Approved March 18, 1904.

CHAPTER 37.

H. B. No. 1116.

AN ACT to provide for protection of the property of the State of Mississippi at the Capitol from damage and destruction by fire, and the appropriation of one thousand dollars (\$1,000) for the year 1904, and one thousand dollars (\$1,000) for the year 1905 for same.

Protection of state property from fire.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of one thousand dollars (\$1,000), for the year 1904, and the sum of one thousand dollars (\$1,000), for the year 1905, be, and is hereby, appropriated to the regular organized fire department of the city of Jackson for services to be rendered, if needed, in protection of State property situated at the capitol, or contiguous thereto, from damage or destruction by fire.

SEC. 2. The amount appropriated by this Act shall be paid to the Treasurer of the city of Jackson, Miss., for the year 1904, immediately after the passage of this Act, and for the year 1905, on the first day of January, 1905.

SEC. 3. That this Act shall take effect and be in force from and after its passage.

Approved March 5, 1904.

CHAPTER 38.

S. B. No. 73.

AN ACT to provide for the maintenance of the Department of Archives and History, to provide for its publications, to repeal Section 7, Chapter 52, Laws of 1902, and to aid the Mississippi Historical Society in issuing its future publications and distributing same.

Appropriation for department archives and history.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated out of any funds in the State treasury not otherwise appropriated, for the purpose of providing for the maintenance of the Department of Archives and History, for issuing its publications, and to aid the Mississippi Historical Society in issuing future publications and distributing same:

Salary of Director for 1904.....	\$ 1,800 00
Salary of Director for 1905.....	1,800 00
Maintenance of the Department for 1904.....	2,500 00
Maintenance of the Department for 1905.....	2,500 00
Traveling expenses of the Director for 1904.....	300 00
Traveling expenses of the Director for 1905.....	300 00
Printing and distributing publications of the Historical Society for 1904.....	1,000 00
Printing and distributing Mississippi Archives by the Department of Archives and History for 1905.....	1,000 00

Distribution of publications.

SEC. 2. That the said Director of the Department of Archives and History shall deliver five hundred copies of each edition of Archives published by said Department to the Secretary of the Mississippi Historical Society for distribution to members of said Society and for other purposes.

SEC. 3. That Section 7, Chapter 52, of the Laws of 1902, is hereby repealed.

SEC. 4. That the annual report of the Director be paid for as is other public printing and binding.

SEC. 5. That the Auditor is hereby authorized to issue warrants for the payment of the above sums upon application of the Director of the Department of Archives and History, or the Secretary of the Mississippi Historical Society, accompanied by proper vouchers when the same is approved by the Governor.

Provided, that the sums appropriated for the use of the Department of Archives and History be used solely for that purpose, and that the sums appropriated for the use of the Mississippi Historical Society be used solely for that purpose.

SEC. 6. That this Act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 39.

H. B. No. 606.

AN ACT to provide for a deficiency in the maintenance fund of the Department of Archives and History for 1903.

Deficiency in fund for department archives and history.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of forty-two dollars and fifty cents (\$42.50) be, and the same is hereby, appropriated out of the maintenance fund of the Department of Archives and History for 1904 to pay a deficit in the maintenance fund for 1903.

SEC. 2. That the Auditor is hereby authorized to issue a warrant for the payment of the above sum upon application of the Director of said Department, when the same is approved by the Governor.

SEC. 3. That this Act take effect and be in force from and after its passage.

Approved March 18, 1904.

CHAPTER 40.

H. B. No. 172.

AN ACT to make an appropriation to defray the expenses of the State Library for the years 1904 and 1905.

Support of state library.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums of money, or so much thereof as may be necessary, be, and is hereby, appropriated out of any

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money in the treasury not otherwise appropriated, to defray the expenses of the State Library:

For the year 1904, contingent fund.....	\$ 500 00
Reference fund	500 00
Enlargement fund	3,000 00
For the year 1905, contingent fund.....	300 00
Reference fund	500 00
Enlargement fund	2,500 00

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 41.

H. B. No. 195.

AN ACT to make an appropriation for immediate necessary repairs and furnishing of the Governor's Mansion.

Furnishing and repairs for mansion.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of twenty-five hundred dollars (\$2,500), or so much thereof as is necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purpose of paying for immediate necessary repairs and furnishing of the Governor's mansion, said money to be paid out on production of itemized accounts approved by the Governor, Secretary of State, and Attorney-General. The above named officials shall make contracts and direct the work of repairs and furnishings.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved February 24, 1904.

CHAPTER 42.

S. B. No. 170.

AN ACT to suppress lawlessness and to provide a special contingent fund to be used by the Governor to better enforce the police powers of the State.

Contingent fund for suppressing "whitecapping."

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That a special executive contingent fund of twenty-five hundred dollars (\$2,500), or so much thereof as may be necessary, be, and the same is hereby, created, to be paid out of any of the State funds not otherwise appropriated,

SEC. 2. That said contingent fund shall be used by the Governor of the State in enforcing the police regulations of the State, and in suppressing whitecapping and other lawlessness in which such action may be necessary.

SEC. 3. That this Act take effect and be in force from and after its passage.

Approved February 12, 1904.

CHAPTER 43.

S. B. No. 87.

AN ACT making an appropriation to pay the deficit on salaries of Circuit Judges, District Attorneys and one Supreme Judge for the years 1902 and 1903.

To pay deficit in judges' salaries.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of five thousand seven hundred and three dollars (\$5,703), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury, not otherwise appropriated to pay the deficit on salaries of eleven Circuit Judges, eleven District Attorneys, and one Supreme Judge, for the years 1902 and 1903.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved January 26, 1904.

CHAPTER 44.

H. B. No. 185.

AN ACT to provide for the payment of the claims of special Supreme and Circuit Court Judges and Chancellors.

To pay special judges and chancellors.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of twenty-eight hundred dollars (\$2,800), or so much thereof as is necessary, be, and is hereby, appropriated out of any funds in the State treasury not otherwise appropriated, for the payment of the claims of special Supreme and Circuit Court Judges and Chancellors for services heretofore rendered, and for which the general appropriation of 1902 was insufficient, and for which the Auditor will issue his warrants.

SEC. 2. This Act will take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 45.

H. B. No. 36.

AN ACT to make an appropriation for the years 1904 and 1905 for the purpose of preventing the introduction into the State of Mississippi of the Mexican Cotton Boll Weevil, and to provide for the destruction and eradication of the same, whenever and wherever found in the State; establishing rules and regulations in relation thereto, and providing for the enforcement of the same.

To prevent introduction and spread of boll weevil.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Entomologist of the Mississippi Agricultural Experiment Station is empowered, and it shall be his duty, to prevent in every possible and practicable way the introduction into this State of the Mexican cotton boll weevil, and to destroy and eradicate as far as may be practicable said Mexican boll weevil, its eggs, larvæ, or any other form of life through which it passes in development, should it make its appearance in this State, whenever and wherever found in the State.

State entomologist empowered to act; his powers and duties.

SEC. 2. The Entomologist of the Mississippi Agricultural Experiment Station shall have power to adopt rules and regulations governing the inspection, sale and transportation and importation of trees, plants, hay, cotton, cotton seed, cotton seed hulls, or any other material or products of whatsoever nature or kind from districts or States known or suspected to be infested with the Mexican cotton boll weevil, and may require such articles and material to be disinfected or fumigated, according to his directions, or destroyed if found to be infected and their destruction is deemed necessary, and it shall be unlawful for any person or persons or any transportation company to bring or cause to be brought into this State any article or articles that may serve to introduce the Mexican cotton boll weevil, contrary to the rules and regulations of the Entomologist, and it shall also be unlawful for any person or persons residing without the State to send into the State by mail, express, or otherwise, any living specimens of the Mexican cotton boll weevil, in any of its forms of development, or egg state, and any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than fifty dollars (\$50), nor more than five hundred dollars (\$500).

Persons from infected districts quarantined.

SEC. 3. That any person or persons coming into this State from any districts or State known to be infected by the Mexican cotton boll weevil who shall be suspected of having on or about his person, clothes, household effects, or other property in his possession said Mexican cotton boll weevil in any of its forms, knowingly or unknowingly, concealed or otherwise, shall be refused admittance into the State, until he shall have undergone an examina-

maintenance of the new capitol building, until a general appropriation shall be made therefor.

SEC. 2. Said sum hereby appropriated shall be payable upon itemized bills presented by the Secretary of State, as keeper of the capitol, to the Auditor, who shall issue his warrant on the treasury for the amount of said bills, as audited and allowed by him.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved January 26, 1904.

CHAPTER 32.

H. B. No. 565.

AN ACT to appropriate money to defray the expenses of conducting the Capitol building and the departments therein of the State Government.

Capitol building, appropriation for.

SECTION I. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums of money, or so much thereof as may be necessary, are hereby appropriated out of any money in the State treasury not otherwise appropriated for the purpose of conducting the capitol building and the departments therein of the State government:

ENGINEER, WATCHMEN, AND PORTERS.

Engineer for operating machinery during 1904.....	\$ 2,850 00
Engineer for operating machinery during 1905.....	3,420 00
Salary of night watchman for 1904.....	550 00
Salary of night watchman for 1905.....	550 00
Salary of day watchman for 1904.....	480 00
Salary of day watchman for 1905.....	480 00

This appropriation shall be available so long as a Superintendent of Building and Grounds is not employed by Capitol Commission.

Salaries of capitol porters for 1904.....	1,300 00
Salaries of capitol porters for 1905.....	1,800 00

FUEL, WATER, AND GAS.

Fuel for 1904.....	\$ 1,500 00
Fuel for 1905.....	3,000 00
Water and sewerage for 1904.....	720 00
Water and sewerage for 1905.....	720 00
Gas for 1904	200 00
Gas for 1905	200 00

REPAIRS AND SUPPLIES.

Repairs on the capitol building and supplies, such as oil for the machinery, mops, brooms, cuspidors, toilet paper for closets, etc., for the year 1904.....	\$ 1,000 00
Same, for the year 1905.....	1,000 00

The Secretary of State shall render an itemized statement to the next Legislature of all disbursements under this Act.

Emergency fund, for repairs to machinery and electrical apparatus in case of accident or breakage, twenty-five hundred dollars (\$2,500) for each of the years 1904 and 1905. This fund to be used for no other purpose.

CONTINGENT EXPENSES OF STATE OFFICERS.

Fourteen telephones for State officers, for the year 1904. \$	336 00
Fourteen telephones for State officers, for the year 1905.	336 00
For stationery, telegraphic and telephone messages, postage, express charges and other incidental expenses of departments and contingent fund for all State officers except the Governor for the year 1904.....	5,000 00
Same for the year 1905.....	5,000 00

Limitations on contingent fund for state officers.

Provided, that departments, boards, or institutions to which appropriations are annually made shall not draw on the capitol account for any portion of their expenses.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 18, 1904.

CHAPTER 33.

S. B. No. 248.

AN ACT to appropriate money to furnish the Capitol and to grade and beautify its grounds and surroundings.

Capitol building; furnish same and grade and beautify grounds; appropriation for.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums of money, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the State treasury not otherwise appropriated, and which shall be used for the specific purposes hereinafter named, and for no other:

CHAPTER 48.

H. B. No. 133.

AN ACT making an appropriation to carry out the provisions of Chapter 76 of the Laws of the State of Mississippi of 1900, as amended by the Acts of 1904, and being an Act entitled "An Act to enable the Auditor of Public Accounts and Land Commissioner of the State of Mississippi to properly conduct the affairs of their respective offices, and to correct mistakes in land descriptions and land sales, and provide relief in repayment of moneys erroneously paid in privileges and State taxes and land purchases (or where the land had caved into the river), and to save the State the cost in passing bills for relief by local and private legislation in certain cases."

To refund money paid on erroneous land sales and assessments and the like.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of sixteen thousand dollars (\$16,000) for the two years 1904 and 1905, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to carry out the provisions of Chapter 76 of the Laws of the State of Mississippi of 1900, as amended by the Acts of 1904, being an Act entitled "An Act to enable the Auditor of Public Accounts and Land Commissioner of the State of Mississippi to properly conduct the affairs of their respective offices and to correct mistakes in land descriptions and land sales, and provide relief in payment of moneys erroneously paid in privileges and State taxes and land purchases, and to save the State cost in passing bills for relief by local and private legislation in certain cases." Provided, no portion of said amount shall be paid on account of any land obtained or claim for money paid under any patent or certificate heretofore issued by any Secretary of State of Mississippi.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 49.

H. B. No. 612.

AN ACT to appropriate money to pay the interest on the five hundred thousand dollars (\$500,000) of bonds bearing three and one-half per cent interest, authorized to be issued by Act approved in March, 1904.

To pay interest on bond issue.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of thirty-five thousand dollars (\$35,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purpose of paying the interest that may accrue, on or prior to the first day of July, 1906, on the five hundred thousand dollars

CHAPTER 34.

H. B. No. 317.

AN ACT to ratify, approve and confirm the contract entered into on the 26th day of October, 1903, by the Capitol Commission and Secretary of State with Joseph McDonnell for operating the heating and lighting plants and elevators of the Capitol, and to make an appropriation to pay Joseph McDonnell the amount now due him under said contract.

Contract for operating heating and lighting plant.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the contract entered into on the 26th day of October, 1903, by the Capitol Commission and Secretary of State with Joseph McDonnell for operating the heating and lighting plants and elevators of the capitol for the sum of two hundred and eighty-five dollars (\$285) per month, be, and is hereby, ratified, approved and confirmed, and that the sum of eleven hundred and forty dollars (\$1,140), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated for the purpose of paying Joseph McDonnell for what may be due him under said contract for services from October 26, 1903, to February 26, 1904.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved February 24, 1904.

CHAPTER 35.

H. B. No. 608.

AN ACT to ratify the contract entered into on the 6th day of November, 1903, by Mississippi State House Commission with Art Metal Construction, for metal fixtures in the Land Commissioner's office, and to appropriate money to pay the Art Metal Construction Company the amount due it under said contract.

Appropriation to Art Metal Company.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the contract entered into on the 6th day of November, 1903, by the Mississippi State House Commission with the Art Metal Construction Company, for metal fixtures in the office of the Land Commissioner, be approved, ratified and confirmed, and that the sum of fourteen hundred and seventy-five dollars (\$1,475) be, and the same is hereby, appropriated out of any moneys in the State treasury not otherwise appropriated, for the purpose of paying the Art Metal Construction Company for furniture for the Land

Commissioner's office, as per contract with the Mississippi State House Commission, said money to be paid out as provided by law.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 36.

H. B. No. 524.

AN ACT to provide for the payment of 2,050 lamps purchased by the Capitol Commission for use in the State Capitol.

Appropriation to pay for lamps.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of two hundred and eighty-two dollars and fifty cents (\$282.50) be, and the same is hereby, appropriated out of the general fund of the State treasury to pay to the Columbia Incandescent Lamp Company for two thousand and fifty lamps purchased by the Mississippi State Capitol Commission, which said lamps are now in use in said Capitol.

SEC. 2. That the Auditor of Public Accounts be, and he is hereby, authorized to issue his pay warrant on the State treasury in favor of said company for said sum.

SEC. 3. That this Act take effect and be in force from and after its passage.

Approved March 18, 1904.

CHAPTER 37.

H. B. No. 116.

AN ACT to provide for protection of the property of the State of Mississippi at the Capitol from damage and destruction by fire, and the appropriation of one thousand dollars (\$1,000) for the year 1904, and one thousand dollars (\$1,000) for the year 1905 for same.

Protection of state property from fire.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of one thousand dollars (\$1,000), for the year 1904, and the sum of one thousand dollars (\$1,000), for the year 1905, be, and is hereby, appropriated to the regular organized fire department of the city of Jackson for services to be rendered, if needed, in protection of State property situated at the capitol, or contiguous thereto, from damage or destruction by fire.

SEC. 2. The amount appropriated by this Act shall be paid to the Treasurer of the city of Jackson, Miss., for the year 1904, immediately after the passage of this Act, and for the year 1905, on the first day of January, 1905.

SEC. 3. That this Act shall take effect and be in force from and after its passage.

Approved March 5, 1904.

CHAPTER 38.

S. B. No. 73.

AN ACT to provide for the maintenance of the Department of Archives and History, to provide for its publications, to repeal Section 7, Chapter 52, Laws of 1902, and to aid the Mississippi Historical Society in issuing its future publications and distributing same.

Appropriation for department archives and history.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated out of any funds in the State treasury not otherwise appropriated, for the purpose of providing for the maintenance of the Department of Archives and History, for issuing its publications, and to aid the Mississippi Historical Society in issuing future publications and distributing same:

Salary of Director for 1904.....	\$ 1,800 00
Salary of Director for 1905.....	1,800 00
Maintenance of the Department for 1904.....	2,500 00
Maintenance of the Department for 1905.....	2,500 00
Traveling expenses of the Director for 1904.....	300 00
Traveling expenses of the Director for 1905.....	300 00
Printing and distributing publications of the Historical Society for 1904.....	1,000 00
Printing and distributing Mississippi Archives by the Department of Archives and History for 1905.....	1,000 00

Distribution of publications.

SEC. 2. That the said Director of the Department of Archives and History shall deliver five hundred copies of each edition of Archives published by said Department to the Secretary of the Mississippi Historical Society for distribution to members of said Society and for other purposes.

SEC. 3. That Section 7, Chapter 52, of the Laws of 1902, is hereby repealed.

SEC. 4. That the annual report of the Director be paid for as is other public printing and binding.

SEC. 5. That the Auditor is hereby authorized to issue warrants for the payment of the above sums upon application of the Director of the Department of Archives and History, or the Secretary of the Mississippi Historical Society, accompanied by proper vouchers when the same is approved by the Governor.

Provided, that the sums appropriated for the use of the Department of Archives and History be used solely for that purpose, and that the sums appropriated for the use of the Mississippi Historical Society be used solely for that purpose.

SEC. 6. That this Act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 39.

H. B. No. 606.

AN ACT to provide for a deficiency in the maintenance fund of the Department of Archives and History for 1903.

Deficiency in fund for department archives and history.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of forty-two dollars and fifty cents (\$42.50) be, and the same is hereby, appropriated out of the maintenance fund of the Department of Archives and History for 1904 to pay a deficit in the maintenance fund for 1903.

SEC. 2. That the Auditor is hereby authorized to issue a warrant for the payment of the above sum upon application of the Director of said Department, when the same is approved by the Governor.

SEC. 3. That this Act take effect and be in force from and after its passage.

Approved March 18, 1904.

CHAPTER 40.

H. B. No. 172.

AN ACT to make an appropriation to defray the expenses of the State Library for the years 1904 and 1905.

Support of state library.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums of money, or so much thereof as may be necessary, be, and is hereby, appropriated out of any

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money in the treasury not otherwise appropriated, to defray the expenses of the State Library:

For the year 1904, contingent fund.....	\$ 500 00
Reference fund	500 00
Enlargement fund	3,000 00
For the year 1905, contingent fund.....	300 00
Reference fund	500 00
Enlargement fund	2,500 00

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 41.

H. B. No. 195.

AN ACT to make an appropriation for immediate necessary repairs and furnishing of the Governor's Mansion.

Furnishing and repairs for mansion.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of twenty-five hundred dollars (\$2,500), or so much thereof as is necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purpose of paying for immediate necessary repairs and furnishing of the Governor's mansion, said money to be paid out on production of itemized accounts approved by the Governor, Secretary of State, and Attorney-General. The above named officials shall make contracts and direct the work of repairs and furnishings.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved February 24, 1904.

CHAPTER 42.

S. B. No. 170.

AN ACT to suppress lawlessness and to provide a special contingent fund to be used by the Governor to better enforce the police powers of the State.

Contingent fund for suppressing "whitecapping."

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That a special executive contingent fund of twenty-five hundred dollars (\$2,500), or so much thereof as may be necessary, be, and the same is hereby, created, to be paid out of any of the State funds not otherwise appropriated,

he received no compensation. And the Auditor of Public Accounts is hereby authorized and instructed to issue his warrant on the State treasury for the said amount in favor of the said J. C. Fant.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 59.

S. B. No. 249.

AN ACT to pay to T. S. Proctor, of Attala County, two hundred and fifty-six dollars and seventy-one cents (\$256.71) for services rendered in making reassessment of said county after the burning of the assessment rolls in July, 1896.

To pay T. S. Proctor for reassessment of Attala county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of two hundred and fifty-six dollars and seventy-one cents (\$256.71) be, and the same is hereby appropriated out of any funds in the treasury not otherwise appropriated to pay to T. S. Proctor for services rendered to the State of Mississippi in making reassessment of Attala County after the assessment rolls had been destroyed by fire in July, 1896. The Auditor is hereby authorized and required to issue his warrant to T. S. Proctor for same.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 60.

S. B. No. 264.

AN ACT for the relief of R. Norwood, former Assessor of Covington County.

For relief of R. Norwood, assessor of Covington county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Auditor be, and is hereby authorized and directed to issue his warrant on the State treasury, payable to R. Norwood in the sum of two hundred dollars (\$200), payable out of any money in the State treasury not otherwise appropriated, being money improperly collected by State Revenue Agent.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 61.

S. B. No. 282.

AN ACT to make an appropriation to pay the balance due committeemen and witnesses who investigated the I. I. & C. in May, 1902.

To pay balance due on investigation of I. I. and C.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That two hundred dollars (\$200), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay committeemen and witnesses mileage and per diem for attending the investigation of the I. I. & C. in May, 1902. The same to be paid out on the vouchers signed by the Chairman and Secretary of said committee.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 62.

S. B. No. 284.

AN ACT for the relief of J. B. Evans, of Clarke County, Mississippi, by refunding to him the amount of money paid into the State treasury, and by authorizing the Board of Supervisors of Clarke County to refund the amount of money paid into the county treasury for land bought from the State, the title to which has failed.

To reimburse J. B. Evans for land bought where title failed.

WHEREAS, The State of Mississippi sold and conveyed to J. B. Evans, of Clarke County, Mississippi, the W. one-half of S. E. one-fourth, and E. one-half of S. W. one-fourth, and N. E. one-fourth and E. one-half of S. E. one-fourth, Sec. 1, Township 3, Range 15, and N. one-half of Sec. 31, Township 3, and N. E. one-fourth of Sec. 7, Township 4, Range 16, in Clarke County, Mississippi, the title to which has failed for the reason that at the time said land was not owned by the State, but belonged to the United States; and,

WHEREAS, Thirty-five dollars and sixty-eight cents (\$35.68) of said sum was paid into the State treasury, and the sum of one hundred dollars and fifty-four cents (\$100.54) was paid into the county treasury; and,

WHEREAS, It was not known to the said J. B. Evans that the State's title to said land had failed until his right for a refund of said sums of money was barred by the statute of limitations; therefore,

State and county warrants to be drawn.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Auditor of Public Accounts is hereby authorized

and directed to issue his warrant, payable to the said J. B. Evans, out of the State treasury for said sum of thirty-five dollars and sixty-eight cents (\$35.68), and the Board of Supervisors of Clarke County is empowered to allow the said J. B. Evans the said sum of one hundred dollars and fifty-four cents (\$100.54), payable out of the county treasury, to reimburse him for the said taxes so paid by him.

SEC. 2. This Act take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 63.

S. B. No. 295.

AN ACT to pay A. N. Ratcliff, Assessor of Adams County, commissions on amount paid into the State treasury as a result of back tax assessments made by him in 1901 and 1902 by order of the State Revenue Agent.

To pay A. N. Ratcliff commissions on back tax assessments.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of three hundred and eighty-seven dollars and ninety-two cents (\$387.92) be, and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purpose of paying A. N. Ratcliff, Assessor of Adams County, for back tax assessments made by him in 1901 and 1902 by order of the State Revenue Agent, the amount of eight thousand four hundred and twenty-four dollars and sixteen cents (\$8,424.16) having been collected and paid into the State treasury as a result of such assessment.

SEC. 2. That this Act shall take effect and be in force from and after its passage.

Approved March 15, 1904.

CHAPTER 64.

S. B. No. 302.

AN ACT to make an appropriation for the relief of H. M. Bates, Chancery Clerk of Amite County.

To reimburse H. M. Bates for pension claim allowed.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi* That the sum of twenty-eight dollars and sixty-five cents (\$28.65) be, and the same is hereby appropriated out of the State treasury from funds not otherwise appropriated, to reimburse H. M.

Bates, the Chancery Clerk of Amite County, for the payment by him of said amount to J. W. Neyland, a Confederate pensioner who was entitled to draw said amount as a Confederate pensioner under the law for the year 1902, but whose name was erroneously stricken from the pension roll for said year, and the Auditor of Public Accounts is hereby directed to issue a warrant on the State treasury in favor of the said H. M. Bates for said amount.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 65.

H. B. No. 56.

AN ACT to make an appropriation to pay B. P. Gray, Chancery Clerk of Lafayette County, Mississippi, to compensate him for loss by reason of mistake in the pension rolls of Lafayette County in the year 1903.

To pay B. P. Gray for loss on account of errors in pension rolls.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of fifty dollars (\$50) be, and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay B. P. Gray, to reimburse him for loss by reason of a mistake in the pension rolls of Lafayette County for the year 1903.

SEC. 2. Said sum shall be paid to B. P. Gray by the State Treasurer on a warrant drawn by the Auditor according to law.

SEC. 3. That this Act shall take effect and be in force from and after its passage.

Approved March 1, 1904.

CHAPTER 66.

H. B. No. 84.

AN ACT for the relief of Mrs. Virginia P. Mize, of Monroe County.

For relief of Mrs. Virginia P. Mize.

WHEREAS, William W. Mize, an old Confederate veteran of Monroe County, Mississippi, had been approved by the Pension Board of his county, and had for two years prior to his death in November of 1902, been on the pension roll of his county; and,

WHEREAS, Mrs. Virginia P. Mize, widow of said William W. Mize, because of technical errors in her application, was left off the pension roll of Monroe County for the year 1903; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of twenty-five dollars (\$25) be appropriated, to be paid out of any money in the treasury not otherwise appropriated, as a pension for the said Mrs. Virginia P. Mize for the year 1903.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 15, 1904.

CHAPTER 67.

H. B. No. 101.

AN ACT for the relief of W. E. Simpson, of Montgomery County, and appropriating one hundred and twenty dollars (\$120) to pay him for back taxes assessed and collected in Montgomery County for the years 1892 to 1897, the same being 20 per cent commission upon the amount of the State taxes so assessed and collected.

To pay W. E. Simpson commissions on back tax assessments.

WHEREAS, W. E. Simpson was employed by the Board of Supervisors of Montgomery County to examine the records of said county and list therefrom the solvent credits of said county that had escaped taxation from the year 1892 to the year 1897; and whereas, the said W. E. Simpson did examine said records and list said solvent credits and the same were assessed and collected; and whereas, the County of Montgomery paid said W. E. Simpson for said work for said county, but could not pay for the assessment of the State tax, and the Auditor of Public Accounts could not allow the same; now, therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of one hundred and twenty dollars (\$120) be, and the same is hereby appropriated as a donation out of any money in the State treasury not otherwise appropriated for the purpose of paying W. E. Simpson for assessing back taxes in Montgomery County from the year 1892 to the year 1897, and that the Auditor of Public Accounts issue a warrant upon the State treasurer to said W. E. Simpson for said amount.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 18, 1904.

CHAPTER 68.

H. B. No. 193.

AN ACT to refund to Mrs. N. A. Hutchinson, a citizen of Attala County, the sum of sixty-nine dollars, thirty-seven and one-half cents (\$69.37½), an amount overpaid by her on back taxes for the years 1895, 1896 and 1897.

To reimburse Mrs. N. A. Hutchinson for taxes overpaid.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Auditor of Public Accounts is hereby authorized and directed to issue his warrant on the State Treasurer for the sum of sixty-nine dollars, thirty-seven and one-half cents (\$69.37½), payable to Mrs. N. A. Hutchinson, of Attala County, out of any money in the State treasury not otherwise appropriated, for back taxes overpaid by her during the years of 1895, 1896, and 1897, not required by law.

SEC. 2. That this Act take effect from and after its passage.

Approved March 17, 1904.

CHAPTER 69.

H. B. No. 351.

AN ACT to make an appropriation to pay J. H. Whitfield the sum of two hundred and forty-four dollars and forty-five cents (\$244.45) for surveying, under the direction of the State Land Commissioner, certain lands heretofore unsurveyed State lands in Coahoma County, Mississippi.

Appropriation to J. H. Whitfield for surveying state lands.

WHEREAS, J. H. Whitfield, at the request of E. H. Nall, State Land Commissioner, did in 1902 make a survey of certain heretofore unsurveyed State lands in Coahoma County known as Mul Lake; and whereas, valuable lands thereby came into possession of the State, a part of which has been sold;

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of two hundred and forty-four dollars and forty-five cents (\$244.45) be, and the same is hereby, appropriated out of any funds in the State treasury not otherwise appropriated, to be paid J. H. Whitfield for surveying the above referred to lands; and the Auditor of Public Accounts is hereby directed to issue his warrant on the State Treasurer for the above stated amount when said J. H. Whitfield files his statement of the work done, approved by the State Land Commissioner.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 70.

H. B. No. 363.

AN ACT to make an appropriation for the relief of W. F. McDougal and Mrs. W. A. H. Shackelford, citizens of Tishomingo County.

For relief of W. F. McDougal and Mrs. W. A. H. Shackelford.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of seventy-one dollars and thirty-five cents (\$71.35) be, and the same is hereby, appropriated out of any money not otherwise appropriated for the relief of W. F. McDougal, and like amount be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated for the relief of Mrs. W. A. H. Shackelford.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 71.

H. B. No. 395.

AN ACT to pay for legal services rendered the State in the suit of the State of Mississippi *vs.* Charles Furr.

To pay for legal services in case of State *vs.* Chas. Furr.

WHEREAS, in the year 1900 certain parties were trespassing upon Chickasaw school lands in Quitman County; and whereas, T. E. Williams, by authority of the Land Commissioner, instituted suit against Charles Furr and recovered and paid into the State treasury the sum of one hundred and forty-five dollars (\$145); now, therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of fifty dollars (\$50) is hereby appropriated out of any money in the treasury not otherwise appropriated to pay for said legal services, and that the Auditor of Public Accounts issue his warrant to T. E. Williams for the sum of fifty dollars (\$50).

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 15, 1904.

CHAPTER 72.

H. B. No. 517.

AN ACT making an appropriation for the payment of fees for legal services and expenses due Gwin & Mounger on account of suits involving timber cut on public lands belonging to the State.

To compensate Gwin & Mounger for legal services.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of two hundred and eleven dollars and eighty cents (\$211.80) is hereby appropriated out of any money in the treasury not otherwise appropriated, for the payment to Gwin & Mounger of fees for legal services and expenses rendered to the State at the request of the State Land Commissioner, as shown by statement thereof filed with that officer, in suits involving timber unlawfully cut on public lands belonging to the State, and the Auditor of Public Accounts is directed to issue his warrant on the Treasurer for said sum.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 19, 1904.

CHAPTER 73.

H. B. No. 518.

AN ACT for the relief of Coahoma county and of Jas. A. Suddoth and F. P. Fitzgerald, the former being clerk of the circuit court of Coahoma county, and the latter the sheriff of Coahoma county at the time the suits referred to were disposed of, for costs as such officers as aforesaid in certain suits filed by the state of Mississippi, through its land commissioner, against certain persons for timber depredations on lands alleged to have been owned by said state before and at the time said suits were instituted and at the time said timber depredations occurred.

WHEREAS, the state of Mississippi, through its land commissioner, because of timber depredations on land alleged to have been owned by the state at the time of said depredations, entered the following suits against the following parties in the circuit court of the second district of Coahoma county, Mississippi, to wit:

- No. 490. Against the Yazoo & Mississippi Valley Railroad Co.
- No. 494. Against G. M. Cyrus *et al.*
- No. 499. Against Chas. (alias Jno.) McDaniel.
- No. 508. Against Mrs. L. E. Bobo.
- No. 575. Against W. T. Allen.

And judgment in each of said suits having been rendered against the state and in favor of said defendants, and the officers' costs having been adjudged against the state.

And whereas Jas. A. Suddoth was the clerk of the circuit court, and F. P. Fitzgerald the sheriff of said Coahoma county at the time said suits were filed and disposed of by said court, and their costs due them as such officers according to law never having been paid by the state or any one else, and said costs amounts to the following sums, to wit:

In the case of State vs. Y. & M. V. R. R. Co., No. 490, to Jas. A. Suddoth, the sum of sixteen dollars and seventy cents (\$16.70); and to F. P. Fitzgerald the sum of three dollars and fifty cents (\$3.50).

In the case of State vs. G. M. Cyrus *et al.*, No. 494, to Jas. A. Suddoth the sum of twelve dollars and seventy cents (\$12.70); and to F. P. Fitzgerald the sum of two dollars and fifty cents (\$2.50).

In the case of State vs. Chas. (alias Jno.) McDaniel, No. 499, to Jas. A. Suddoth, the sum of two dollars and eighty-five cents (\$2.85); and to F. P. Fitzgerald the sum of six dollars (\$6.00).

In the case of State vs. Mrs. L. E. Bobo, No. 508, to Jas. A. Suddoth, the sum of two dollars and thirty cents (\$2.30); and to F. P. Fitzgerald, the sum of two dollars (\$2.00).

And in the case of State vs. W. T. Allen, No. 575, to Jas. A. Suddoth, the sum of five dollars and seventy cents (\$5.70); and to F. P. Fitzgerald, the sum of ten dollars (\$10.00).

Making a total sum due said Jas. A. Suddoth, clerk as aforesaid, of forty dollars and twenty-five cents (\$40.25), and a total sum due said F. P. Fitzgerald, sheriff as aforesaid, the sum of twenty-two dollars and fifty cents (\$22.50).

And whereas, the sum of two dollars (\$2.00) is due the county of Coahoma as jury tax in the case of the State vs. Y. & M. V. R. R. Co., No. 490, which sum has not been paid; and the sum of three dollars (\$3) as jury tax in the case of State vs. G. M. Cyrus, No. 494, which sum has not been paid, making a total due the said county of Coahoma of the sum of five dollars (\$5); therefore,

Relief of Coahoma county, Jas. A. Suddoth and F. P. Fitzgerald.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the sum of forty dollars and twenty-five cents (\$40.25) is hereby appropriated out of any money in the treasury not otherwise appropriated for the benefit of said Jas. A. Suddoth; and the sum of twenty-two dollars and fifty cents (\$22.50) for the benefit of said F. P. Fitzgerald; and the sum of five dollars (\$5.00) for the benefit of said Coahoma county, being due by the state on account of costs accrued and unpaid in each of said suits as above referred to; and the auditor of public accounts is hereby directed to issue his warrant on the treasury in favor of said parties, for said sums.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 74.

H. B. No. 42.

AN ACT to raise revenues by making valid and of binding effect all contracts made within four years of the passage of this act, and which are or were null and void or voidable under previous or existing laws because of the non-payment of privilege taxes so in default within said time, with two hundred per centum damages thereon, within ninety days after the passage of this act.

To validate contracts that were void or voidable for non-payment of privilege tax in certain cases.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that any and all contracts made and entered into within four years previous to the passage of this act, and which were or are void or voidable because of the non-payment, in whole or in part, of any privilege taxes due under any law of this state at the time such contracts were made, shall be and are hereby made valid, and of the same force and effect as if there had been no default in the payment of such privilege taxes; *provided*, that within ninety (90) days from the passage of this act, any person, partnership, or corporation delinquent in the payment of such privilege taxes for such time, or some one for such delinquent person, partnership or corporation, shall pay to the tax collector of the county in which such delinquency existed, and two hundred per centum damages thereon.

SEC. 2. That all laws and parts of laws in conflict with this act be, and are hereby, repealed, and that this act take effect and be in force from and after the date of its passage.

Approved January 22, 1904.

CHAPTER 75.

H. B. No. 229.

AN ACT to amend an act entitled "An act to raise revenues by making valid and of binding effect all contracts made within four years of the passage of this act and which are or were null and void or voidable under previous or existing laws, because of the non-payment of privilege taxes due when such contracts were made, upon terms of full payment of all such privilege taxes so in default within said time, with two hundred per centum damages thereon, within ninety days after the passage of this act," approved January 22, 1904, so as to provide for the payment of the full privilege tax for the year or years in which such delinquency existed, and two hundred per centum damages thereon.

Amending act to validate contracts that were void or voidable for non-payment of privilege tax in certain cases.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that an act entitled "An act to raise revenues by making

valid and of binding effect all contracts made within four years of the passage of this act, and which are or were null and void or voidable under previous or existing laws because of the non-payment of privilege taxes when such contracts were made, upon terms of full payment of all such privilege taxes, so in default within said time, with two hundred per centum damages thereon, within ninety days after the passage of this act," approved January 22, 1904, be, and the same is hereby amended, so as to read as follows: That any and all contracts made and entered into within four years previous to the passage of this act, and which were or are void or voidable because of the non-payment, in whole or in part, of any privilege taxes due under any law of this state, at the time such contract was made, shall be and are hereby made valid, and of the same force and effect as if there had been no default in the payment of such privilege taxes; *provided*, that within ninety days from the passage of this act any person, partnership, or corporation delinquent in the payment of such privilege taxes for such time, or some one for such delinquent person, partnership, or corporation, shall pay to the tax collector of the county, in which such delinquency occurs, the full privilege tax for the year or years in which such delinquency existed, and two hundred per centum damages thereon.

SEC. 2. That all laws or parts of laws in conflict with this act be, and are hereby, repealed, and that this act take effect and be in force from and after the date of its passage.

Approved January 28, 1904.

CHAPTER 76.

H. B. No. 307.

AN ACT creating privilege taxes on certain industries in the state of Mississippi.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that a privilege tax is hereby created on the following industries in the state of Mississippi:

Agencies.

[See commercial and sewing machine agency.]

Agent.

[See book, lightning rod and tombstone.]

Alley.

[See billiard table.]

Adjuster, fire insurance.

SEC. 2. On each fire insurance adjuster doing business in this state \$ 25 00

And no city, town, village, or county shall levy any further privilege tax on said calling.

Animals, exhibition of trained.

SEC. 3. On each exhibition of trained animals, not being a circus or menagerie, for each day, or part of day exhibition for fee charged or collected..... \$ 25 00

Auctioneer.

SEC. 4. On each auctioneer in each town or village of not more than one thousand inhabitants..... 5 00

On each auctioneer in county, not residing in town or village, not doing business in town or village..... 5 00

Same: In town or village of more than one thousand and not more than three thousand inhabitants..... 20 00

Same: In city of three thousand and not more than five thousand inhabitants 25 00

Same: In city of more than five thousand inhabitants ... 30 00

And every person who makes a business of selling at public auction (except judicial sales) shall be considered an auctioneer, whether he charges or receives compensation for his services or not.

Barber shops and chairs.

SEC. 5. On each barber shop operating one chair only... \$ 2 50

And a like sum upon each additional chair operated in any and all barber shops.

Bed springs.

SEC. 6. [See vendor of bed springs, transient.]

Billiard tables.

SEC. 7. On each billiard table, jenny lind table, pool table, nine or ten pin alley, or any similar contrivance kept for public use, whether a fee be charged for such use or not, in villages of less than five hundred inhabitants.. \$ 10 00

Same: In cities and towns of less than two thousand inhabitants and over..... 25 00

Same: In cities of not less than two thousand and less than five thousand inhabitants..... 50 00

Same: In cities of not less than five thousand inhabitants. 75 00

Bill posters.

SEC. 8. All persons engaged in posting or taking bills or other printed matter, in cities or towns of two thousand inhabitants or more..... 10 00

Boats.

SEC. 9. On each wharf boat..... 100 00

On each trading boat dealing only in provisions, produce and provender 50 00

All other trading boats..... 200 00

SEC. 10. On each establishment for the bottling of ale, soda, or other drinks, in towns of two thousand inhabitants or less	\$ 5 00
Same: In towns of over two thousand inhabitants and less than three thousand inhabitants.....	10 00
Same: In towns of over three thousand inhabitants.....	25 00
Same: On each brewery.....	150 00

Brick yards.

SEC. 11. On each brick yard where brick is molded, making per annum more than thirty-five thousand and less than five hundred thousand brick for sale.....	5 00
Same: Making per annum over five hundred thousand and less than one million for sale.....	10 00
Same: Making per annum over one million for sale.....	20 00

Brokers.

SEC. 12. (See also cotton brokers, pawnbrokers, etc.) On each broker engaged in buying or selling notes, bonds, or other securities, in towns or villages of less than three thousand inhabitants.....	25 00
In towns or cities of over three thousand inhabitants and less than five thousand.....	50 00
On each broker engaged in buying and selling notes, bonds or other securities in cities of five thousand inhabitants or more	75 00

Building and loan associations.

SEC. 13. On each building and loan association whose stock or shares represent monthly payments not exceeding five hundred dollars.....	25 00
Same: Whose share of stock represent monthly payments of five hundred dollars or more, and less than one thousand dollars	50 00
Same: Whose stock or share represent monthly payments of one thousand dollars or more, and less than two thousand dollars	100 00
Same: Whose stock or share represent monthly payments of two thousand dollars or more, and less than three thousand	150 00
Same: Whose stock or share represent monthly payments of three thousand dollars or more.....	200 00

And each building and loan association incorporated by any foreign country, or other state of this union, but whose principal office is not in this state, and which shall establish agencies or branches in this state, shall pay to the treasurer of this state direct a privilege tax as follows:

On each building and loan association whose stock or shares held by residents in this state represent monthly payments of not exceeding five hundred dollars.....	\$ 25 00
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Same: Whose stock or shares held by residents of this state represent monthly payments of five hundred dollars or over, and less than one thousand.....	\$ 50 00
Same: Whose stock or shares held by resident owners in this state represent monthly payments of one thousand dollars or over and less than two thousand dollars....	100 00
Same: Whose stock or shares held by resident owners in this state represent monthly payments of two thousand dollars and less than five thousand dollars.....	150 00
Same: Whose stock or shares held by resident owners in this state represent monthly payments of not more than three thousand dollars.....	250 00

And all building and loan associations within this state, or doing business in this state, who loan their money to others besides their own members, or exclusively to others than their members, the same privilege as is herein imposed on building and loan associations which loan exclusively to its members, and the above tax on building and loan associations shall be in lieu of all other taxes, whether state, county or municipal (except tax on real estate) shall be made, and this applies to both resident and non-resident companies doing business in this state; and when any foreign building and loan association shall desire to pay such privilege tax the treasurer of the state shall require from said association a statement, verified and sworn to by the president and secretary of said association, of the actual amount of stocks and shares of stocks held by residents of this state in said association, for any and all calendar months for six months next before the date of the application for such privileges, and from said statement the treasurer shall estimate the said privileges and report the same to the auditor of public accounts, who shall issue the privileges, upon the payment to him by said association the tax due in accordance with the schedule set out in this act.

Bicycles.

SEC. 14. On each firm or person where bicycles are kept for hire and a fee charged therefor, in cities of 2,500 or more inhabitants	\$ 10 00
In cities, towns or villages of less than 2,500 inhabitants..	5 00

Butter.

[See oleomargarine.]

Cane racks.

SEC. 15. On each cane rack, knife rack, artful dodger, ring board, or similar contrivance by whatever name called, kept or operated for public or private use, for each county	50 00
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Canning factories.

SEC. 16. On each canning factory, canning oysters or shrimp, or canning oysters and shrimp.....	10 00
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Cigarette dealers.

SEC. 17. Cigarettes. On each dealer in cigarettes, cigarette paper, in addition to any other privilege tax paid,

whether the cigarette paper be sold, given away, attached to packages of tobacco, or thrown down or away, or so placed as to put the parties in possession of the same by artifice or trick, and this shall apply although the party pay a privilege tax as other dealers.....\$

5 00

Same: On each merchant who deals in cigarettes, cigarette paper, or packages of tobacco with cigarette paper attached, thrown down, placed convenient for parties to take, given away or placed by artifice or trick so as to be obtained by any one, in addition to privilege taxes as a merchant

5 00

Circuses.

SEC. 18. (See exhibitions and side shows, etc.) On each animal show, circus or menagerie or an exhibition advertised as such or usually classed as such, whether horses be shown in the ring or not, or whether admission fee be charged or not, for each day or part of a day performance, to be paid before any performance be given, in cities of over 3,500 inhabitants.....

150 00

Same: On each animal show, circus or menagerie, or any exhibition advertised as such, whether horses be shown in the ring or not, or whether admission fee be charged or not, for each day or part of a day performance, to be paid before any performance can be given, at any place of less than 3,500 inhabitants.....

50 00

Clocks.

[See vendors transient stove or clock.]

Coca-cola, colavin, etc.

On each factory or bottling establishment for the bottling of coca-cola, celery-cola, afri-cola, hecks-cola, cola-beta, and colavin, nervola, and nervo-cola, or any similar or proprietary drink, the sum of.....

150 00

And on each depot for the distribution or shipment of coca-cola, celery-cola, afri-cola, hecks-cola, cola-beta, and colavin, nervola, and nervo-cola or any similar or proprietary drink, the sum of.....

150 00

Provided this act shall not be construed to subject the bottling establishments to the tax both as a manufacturer and distributor.

Commercial agencies.

SEC. 19. Each and every person, partnership or corporation, having an office in this state, who engage in the business of inquiring into and reporting upon the credit and standing of persons engaged in business in this state shall pay a license tax of.....\$

100 00

Any person having such license shall print in his letter-head a statement of the fact. The payment of the tax shall be made direct to the auditor, evidenced by his receipt, shall exempt the company or party carrying on said business from the payment of such tax in

any county, and payment of such tax shall not be required of any sub-agent or correspondent of the party for the company carrying on said business in this state and any such person acting as correspondent or sub-agent of such agent or company, and who shall transact any business, make report to such company, whether within or without the state, without the party or company having first paid the tax herein provided, shall be liable to all penalties for carrying on the business without paying the tax.

Concerts.

[See exhibitions.]

Contractors.

SEC. 20. On each individual, firm or corporation doing a contracting business in cities of over ten thousand inhabitants, where the cost of any one house or building erected by such individual, firm or corporation, exceeds three thousand dollars	\$ 60 00
Same: In cities of less than ten thousand and more than five thousand inhabitants	30 00
Same: In cities of less than five thousand and more than two thousand inhabitants	15 00
In towns of less than two thousand inhabitants.....	7 50

Provided that this shall not apply to persons confining their operations exclusively to country districts.

Coal dealers.

SEC. 21. On each coal dealer, in cities of five thousand inhabitants or more	\$ 30 00
Same: On each dealer in coal (other than charcoal), in cities or towns of over one thousand inhabitants and less than five thousand inhabitants.....	12 50
Same: On each dealer in coal (other than charcoal) in towns of less than one thousand inhabitants.....	5 00

Cotton brokers.

SEC. 22. On each cotton broker or firm, or agent engaged in buying or selling cotton not licensed as a merchant.	25 00
But this shall not apply to any broker or buyer who purchased only from the producer, whether such purchaser is buying for himself or as agent or employee of another.	
Same: On each factor or licensed merchant who receives cotton for sale on consignment for which he charges a commission	\$ 25 00

Cotton buyer.

SEC. 23. On each person engaged in buying or selling cotton for himself, or as agent or employee of another, and not licensed as a merchant.....	25 00
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But this shall not apply to any broker or buyer who purchases only from the producer, whether such purchaser is buying for himself or as agent or employee of another, and this tax shall not apply

to clerks or employees in and around the office of one who has paid the tax, but who never buys, aids in buying, or solicits the same.

Same: Any cotton buyer having obtained such license, and also a license from the municipality wherein his domicile is located, or from any other municipality, may buy cotton in any municipality in this state without being liable for any other privilege tax for that year.

Cotton compress company.

SEC. 24. On each compress company of twenty thousand bales capacity	\$ 50 00
Same: On each compress company with a capacity of twenty to thirty thousand bales.....	100 00
Same: On each compress company of thirty thousand bales or more capacity	150 00

Round bale press.

SEC. 25. On each round bale press pressing less than one thousand bales of cotton, or two thousand half bales of cotton	15 00
Same: On each round bale press, pressing more than one thousand bales of cotton, or two thousand half bales of cotton, and less than two thousand full bales of cotton, or four thousand half bales of cotton.....	20 00
Same: On each round bale press pressing more than two thousand full bales of cotton, or four thousand half bales of cotton	30 00
Same: Said provisions shall apply to those presses that are operated only under a royalty.	

Cotton gins.

[See portable gins, etc.]

Cotton weigher—how tax fixed.

SEC. 26. On each public weigher of cotton at a place where less than two thousand bales are weighed per year	\$ 10 00
Same: On each public weigher of cotton at a place where more than two thousand and less than four thousand bales are weighed in a year.....	15 00
Same: At a place where more than four thousand and less than five thousand bales of cotton are weighed in one year	20 00
Same: At a place where more than five thousand and less than eight thousand bales of cotton are weighed in one year	25 00
Same: At a place where more than eight thousand and less than ten thousand bales of cotton are weighed in one year	30 00
Same: At a place where more than ten thousand bales of cotton are weighed in one year.....	35 00

And the number of bales of cotton meant is the whole number weighed in the city, town, village, or shipping point.

Cotton seed oil mills.

SEC. 27. On each cotton seed oil mill where the capital exceeds thirty thousand dollars and less than seventy-five thousand dollars	\$175 00
Same: Where the capital is over seventy-five thousand dollars and does not exceed one hundred thousand dollars.	200 00
Same: On all over one hundred thousand dollars capital..	250 00

Ginner.

On each ginner acting as agent for a cotton oil mill or dealing in cotton seed.....	10 00
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Cotton seed buyers.

SEC. 28. On each agent for the purchase of cotton seed or cotton seed buyer.....	10 00
On each ginner buying cotton seed and selling at a profit or acting as agent for a cotton seed oil mill where a commission is paid	10 00
But a merchant paying a privilege tax as a merchant who buys cotton seed at his place of business shall not be liable for said tax.	

Dealers.

[See cotton seed, bed springs, clocks, fruit trees, ranges, stoves, weapons, etc.]

Debenture companies.

On each debenture company doing business in this state.	\$100 00
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Dentists.

SEC. 29. On each practicing dentist, whether alone or associated with others.....	10 00
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Drug stores.

SEC. 30. [See stores, liquor dealers, etc.] Each drug store shall be subject to the same tax as other stores. They shall, and if they desire to sell vinous and spirituous liquors, obtain license to sell vinous and spirituous liquors only as now required by law.

Eating houses.

[See railroad eating houses.]

Electric light companies.

SEC. 31. On each electric light company not owned or run by municipal corporation, where the same is located in cities, towns or villages having a population of not more than five thousand inhabitants.....	25 00
Same: On each electric light company not owned or run by municipal corporation located in cities of more than five thousand and less than ten thousand inhabitants..	50 00
Same: In cities of over ten thousand inhabitants.....	75 00

Exhibitions.

SEC. 32. [See also side shows, fairs.] On each show, exhibition, concert, or other performance where a fee is charged or collected or any contribution received for admission and not devoted exclusively to religious, benevolent, or educational purposes, not being otherwise herein taxed, for each day or part of day..... \$ 5 00

License shall not be charged for any show, concert, festival or performance of any kind where same is in a licensed hall.

Magic lantern.

SEC. 33. On each magic lantern exhibition for each county \$ 5 00

Exhibition trained animals.

[See exhibition of.]

Express companies.

SEC. 34. On each express company transporting freight or packages from one point to another in this state.... \$500 00

And one dollar per mile of railroad track in this state, over which the business is operated.

Factors.

[See cotton factors.]

Fair or festival.

SEC. 35. On each fair or festival, the proceeds of which are not devoted exclusively to religious, benevolent, agricultural or educational purposes..... \$ 5 00

Feather renovators.

SEC. 36. On each feather renovator in each county where operated 100 00

Feed stables.

[See livery stables.]

Festivals.

[See fair.]

Fertilizers.

SEC. 37. On each fertilizer company employing a capital of ten thousand dollars or less..... 25 00
 Same: On each fertilizer company employing a capital of over ten thousand dollars and not over twenty thousand dollars 50 00
 Same: On each fertilizer company employing a capital of over twenty thousand dollars and not over thirty thousand dollars 75 00
 Same: On each fertilizer company employing a capital of over thirty thousand dollars and less than fifty thousand dollars 100 00
 Same: On each fertilizer company employing a capital of fifty thousand dollars and less than seventy-five thousand dollars 150 00

Same: On each fertilizer company employing a capital of seventy-five thousand dollars and less than one hundred thousand dollars	\$200 00
Same: On each fertilizer company employing a capital of one hundred thousand dollars or more.....	250 00

Ferries.

SEC. 38. On each toll bridge or ferry other than steam when the annual income is over three hundred dollars, and less than six hundred dollars	5 00
Same: When income is over six hundred dollars.....	10 00
Same: On each steam ferry operated in the state in whole or in part on any stream.....	150 00

Fortune tellers.

SEC. 39. On each fortune teller in each county.....	100 00
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Fountain.

[See soda fountain.]

Foundries and machine shops.

SEC. 40. On each foundry and machine shop located in or near a city or town of ten thousand or more inhabitants	50 00
Same: In cities of less than ten thousand and more than five thousand inhabitants	25 00
But this shall not apply to foundries and machine shops where goods are not made for sale.	

Gas companies.

SEC. 41. On each gas company in city, town or village of less than two thousand five hundred inhabitants.....	\$ 30 00
Same: In cities or towns of more than twenty-five hundred inhabitants or less than four thousand inhabitants....	50 00
Same: In cities of more than four thousand inhabitants..	100 00

Gypsies.

SEC. 42. On each traveling band of gypsies, or traveling band commonly known as gypsies, trading horses or telling fortunes, for each county, each individual of the band shall be jointly and severally liable with his or her associates	100 00
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Gin, portable.

SEC. 43. On each portable gin, either on steam or flat-boat, or otherwise moved from place to place and ginning for the public	25 00
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Guarantee companies.

SEC. 44. On each guarantee or security company.....	100 00
And no additional tax shall be imposed on such guarantee companies by cities or towns.	

Hacks.

[See public omnibuses.]

Hack lines.

SEC. 45. On each hack or stage line for public use, not connected with the business of a licensed hotel, where no hack fare is charged, or a licensed livery stable paying the foregoing tax.....\$ 25 00

Horse traders, transient.

SEC. 46. On each vendor of horses or mules, his agent or partner, whether agent, owner or employee, to be paid for each county offering stock not raised in this state for sale 25 00

Same: On each transient vendor of horses or mules sold at public auction, his agent or partner, whether agent, owner or employee, to be paid in each county offering stock not raised in this state..... 50 00

But parties selling horses or mules in the county of their residence only, and selling only their own stock, not shipped in the state for the purpose of sale, or persons selling horses or mules raised by themselves in this state shall not be subject to the tax in the county of their residence.

Hotels.

SEC. 47. On each tavern or hotel with capacity of twenty-five guests, in a town or city of five thousand inhabitants or more\$ 75 00

Same: With a capacity of less number of guests in city or town of five thousand inhabitants or more..... 40 00

Same: On each tavern or hotel in a city or town of two thousand inhabitants, and not more than five thousand inhabitants, with capacity of twenty-five guests..... 40 00

Same: With less capacity than twenty-five guests..... 20 00

Same: On each tavern or hotel in town or village of less than two thousand inhabitants..... 10 00

Same: On each tavern or hotel with a capacity of twenty-five guests, situated without any incorporated city, town or village 10 00

Same: With a capacity of more than twenty-five guests and not over seventy-five guests..... 25 00

Same: With a capacity of over seventy-five guests..... 50 00

All boarding houses with three or more rooms for transient guests, where such guests are accommodated and charged, shall be classed as hotels.

Ice factories.

SEC. 48. On each ice factory of a capacity of five tons or less per day.....\$ 25 00

Same: On each ice factory of a capacity of not more than ten tons per day..... 35 00

Same: On each ice factory of a capacity of more than ten tons and not more than fifteen tons per day..... 50 00

Same: On each ice factory of a capacity of fifteen tons per day and not more than twenty-five tons..... 75 00

Same: On each ice factory of a capacity of more than
twenty-five tons per day.....\$ 100 00

Insurance agencies.

SEC. 49. Incorporated insurance agencies in cities of over
three thousand inhabitants..... 100 00

Same: In towns of less than three thousand inhabitants... 50 00

And no person who would otherwise be considered an agent shall be exempt from the privilege tax placed on insurance agents by this section by reason of the fact that he is a stockholder or officer in an incorporated agency, or by reason of the fact that he represents such an agency.

Insurance agents.

On each insurance agent doing an insurance business in
a city of two thousand inhabitants or more.....\$ 30 00

Same: On all other insurance agents doing an insurance
business 15 00

Life insurance agents.

On each life insurance agent exclusively engaged in life
insurance, for each county..... 10 00

Provided: Any insurance agent who shall pay a \$30 state privilege tax and the privilege tax to the municipality in which he resides, or in case he be a non-resident, to the first municipality in which he solicits business, shall not be liable to pay any other or further privilege tax for doing business in any county or municipality in this state.

Any person who solicits insurance or who makes or transmits any application for insurance or collects premiums or delivers any policy except as a salaried employee of a regular licensed agent, doing business only in the county of his principal, shall be subject to this tax.

Insurance companies.

[See accident, guarantee, life, fire, etc.]

Jenny Lind tables.

[See billiard tables.]

Jewelry, transient sellers.

[See vendors, transient.]

Junk dealers.

SEC. 50. On each junk dealer in cities of ten thousand
inhabitants and over.....\$ 50 00

Same: On each junk dealer in cities of five thousand in-
habitants and less than ten thousand inhabitants..... 25 00

Same: On other junk dealers..... 15 00

Knife racks.

[See cane racks, etc.]

Laundry, steam.

SEC. 51. On each steam laundry..... 25 00

Lawyers.

SEC. 52. On each practicing lawyer, whether practicing alone or associated with another.....\$ 10 00

Insurance companies.

SEC. 53. For each license issued to a life insurance company or association..... 250 00
 For each license issued to a fire insurance company or association, or to any company or association of companies operating a separate or distinct plant of agencies in the state..... 200 00
 For each license issued to a marine insurance company or association 200 00
 For each license issued to an accident insurance company or association 200 00
 For each license issued to a surety insurance company or association 100 00
 For each license issued to each plate glass insurance company or association 100 00
 For each license issued to all other insurance companies or associations 100 00

All life insurance companies shall pay a tax of two per centum upon the gross amount of their initial or first year premium receipts in this state, and one-tenth of one per cent upon renewal premiums; all other than life insurance companies shall pay a tax of two per centum on gross loss return premiums.

Domestic insurance companies shall not be required to pay a greater tax in the aggregate than is required to be paid by foreign insurance companies doing business in this state, except to the extent of their ad valorem tax over the privilege tax imposed upon such foreign companies. No privilege tax shall be paid by such domestic companies, and no tax collected on their premium receipt, but at the end of each calendar year, such companies shall make a sworn statement to the insurance commissioner of the total tax paid during the year, including state, county and municipal, and if such amount is less than is required of foreign companies on the same amount of business, the said commissioner shall then collect such part of the privilege tax of \$200 imposed on foreign companies as will make the tax on the domestic company equal thereto. This provision shall apply to the privilege tax due March 1, 1904.

For each license for fraternal order..... \$ 25 00

Lightning rod agents.

SEC. 54. On each lightning rod agent in each county, whether associated with others or alone..... 200 00

Liquor dealers.

SEC. 55. On each person or firm selling vinous or spirituous liquors in quantities of less than five gallons and not less than one gallon..... 400 00
 Same: Selling in quantities of five gallons or more..... 200 00

Livery stables.

SEC. 56. On each livery stable, feed or sale stable, in towns or villages of less than two thousand inhabitants.	\$ 10 00
Same: In city or town of more than two thousand and less than three thousand inhabitants.....	15 00
Same: In cities of more than three thousand and less than five thousand inhabitants	30 00
Same: In cities of more than five thousand and less than ten thousand inhabitants	40 00
Same: In cities of more than ten thousand inhabitants...	60 00
Same: On each owner of a stable and renting stable for fee	10 00

Provided, that these licenses shall not authorize any liveryman or feedman to receive or sell stock other than home raised, under his livery stable license, and if he does he shall pay the vendor's privilege of twenty-five dollars.

Money lending.

SEC. 57. On each individual, firm or corporation doing a money-lending business on personal securities, such as household or kitchen furniture, or wearing apparel, pianos, sewing machines, jewelry, silver, glass, plate or ware, whether such loan is secured to the lender by a bill of sale of such personal property or whether such loan is secured by a mortgage or deed of trust.....	\$500 00
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Lumber yards.

SEC. 58. On each lumber yard or dealer whose annual sales exceed 1,000,000 feet or more.....	50 00
Same: On each lumber yard dealer whose annual sales exceed 500,000 feet, but do not exceed 1,000,000 feet....	25 00
Same: On each lumber yard dealer whose annual sales exceed 100,000 feet	10 00

Lunch house stands.

SEC. 59. On each lunch house or stand, movable or stationary, not being a restaurant, if at the juncture of two or more railroads	15 00
Same: On all lunch stands.....	5 00

Magic lanterns.

[See exhibition, etc.]

Malt liquors.

SEC. 60. On each wholesale dealer in ale, beer or malt liquors, in cities of five thousand or more inhabitants, and not licensed to retail liquors.....	100 00
Same: In cities of over two thousand inhabitants and under five thousand inhabitants	50 00
On same: All other such dealers.....	25 00

Meat markets.

- SEC. 61. On each meat market and on each stall in city meat markets, when controlled by different persons, in cities of five thousand or more inhabitants.....\$ 15 00
 Same: On all meat markets in cities or towns of less than five thousand and more than three thousand inhabitants. 10 00
 Same: On all meat markets in cities and towns of less than three thousand inhabitants..... 5 00
 But this shall not apply to persons selling meat raised and butchered by himself.

Medicine, seller of patent.

[See patent medicine.]

Menagerie.

[See circus.]

Merchant.

[See store.]

Merry-go-round.

- SEC. 62. On each merry-go-round, flying jenny, or other like contrivance, in each city..... \$ 25 00
 Same: In each town or village or other place..... 10 00

Mills, cotton seed.

[See cotton seed oil mills.]

Mules, traders in.

[See horse dealers.]

Nine pin alleys.

[See billiard tables.]

Oleomargarine, dealers in.

- SEC. 63. On each dealer in oleomargarine or similarly manufactured butter, and this shall apply even though a party has paid a tax as other dealers..... 5 00

Oil depot.

- SEC. 64. On each oil depot..... 50 00

Omnibus.

- SEC. 65. On each omnibus, hack or carriage kept and operated for public use in any city or town of two thousand inhabitants or more..... 5 00
 On same: In village or town of less than two thousand inhabitants 2 50
 On each dray, cart or wagon operated for public use..... 2 50

A license shall not be required on omnibuses, carriages or hacks run in connection with a licensed livery stable or hotel, where no charge is made.

Opera houses.

[See skating rinks, theatres, etc.]

Oyster fishermen.

Each license to take and catch oysters in this state shall state the name of the applicant and the name of his or her vessel, and a license under the provisions of this act shall not be used except on the vessel so mentioned in said license, and the applicant therefor shall pay a license fee of \$2.50 on vessels of over one ton burden gross and under five tons; and \$5 for vessels of five tons and under ten; \$10 on vessels of ten tons and under twenty; and \$15 on vessels of twenty tons and over for each vessel for which he may obtain license, and fifty cents license fee to the officer issuing the same. Any boat of over one ton burden gross, which is not enrolled in the custom house of the United States, shall pay a license tax of \$2.50.

Patent medicine.

SEC. 66. On each person, firm, or corporation selling patent medicines, except a licensed merchant, or druggist selling from his place of business.....\$ 150 00
 Same: On each transient vendor or trader of patent, secret or proprietary medicines or nostrums, by whatever name called, whether traded or sold by another or otherwise, in each county 500 00

Pawn brokers.

SEC. 67. On each pawnbroker or firm of such..... 100 00

Peddlers.

SEC. 68. On each peddler on foot, each county..... 10 00
 Same: On each peddler with one horse or mule or animal, for each county..... 15 00
 Same: On each peddler with one horse or mule, or other animal and wagon, or other wheeled vehicle, for each county 20 00
 Same: On each peddler with a wagon and two horses or mules or other animals, for each county..... 30 00
 Same: On each peddler of tinware or pottery, or both, not manufactured in this state, with wagon, for each county. 10 00

But the person or his employee peddling pottery or tinware manufactured by himself in this state shall not be required to pay a privilege tax.

Same: On each transient vendor of merchandise in each county, whether sold from a wagon, auction stand or otherwise\$ 25 00

Performances.

[See exhibition, circus, etc.]

But this section shall not apply to peddlers who only barter merchandise for eggs, poultry, and other farm products.

Provided that any person resident of any county in this state who is over sixty years old and has lost a limb or an eye, or who is otherwise unable to earn a support for himself by labor, and whose taxable property is less than \$500, may peddle in the county of his residence without paying a privilege tax.

Photograph galleries.

SEC. 69. On each photograph, tin type, open air or tent gallery, set up, in or outside of any city, town or village, in each county, whether the work shall be finished there or not	\$ 5 00
Same: On each photograph gallery in each city of over two thousand inhabitants	10 00
Same: On each photograph gallery in village or town of less than two thousand inhabitants.....	5 00
Same: On each photograph gallery going from county to county in railroad car, for state.....	50 00
Same: On each photograph gallery in railroad car, for each county	10 00
Same: For other traveling photographers, state.....	20 00
Same: For other traveling photographers, for each county..	10 00

Pictures.

[See photograph galleries, etc.]

Pistols.

[See weapons, dealers in.]

Pistol cartridges.

SEC. 70. On each firm or dealer in pistol cartridges capable of being fired in pistols or out of shells.....	10 00
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Pianos and organs, agents.

SEC. 71. On each agency for the sale of pianos and organs, located in this state.....	20 00
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And where the pianos and organs, one or both, are stored in this state for sale, the privilege shall be paid, though the said property be assessed ad valorem for taxes; and the person having charge of the same shall be deemed the agent, and liable for the privilege.

Plumbers.

SEC. 72. On each individual, firm or corporation doing a plumbing business in cities or towns of ten thousand or more inhabitants, where they have waterworks and sewerage	50 00
Same: In cities and towns of less than ten thousand and more than five thousand.....	25 00
In all other cities and towns where they have waterworks.	10 00

Pool tables.

[See billiard tables, etc.]

Portable gins.

[See gins, portable.]

Pottery.

[See peddlers.]

Railroad eating houses.

SEC. 73. On each railroad eating house, where two or more passenger trains and running on what is known as through trunk lines, stop daily for meals.....	125 00
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Same: Where only one such train stops daily for meals. . . .	\$ 50 00
On same: On each railroad eating house on other than a trunk line, where two or more trains stop daily for meals.	30 00
On same: Where only one passenger train stops daily for meals	15 00

Before any eating house shall be classed as other than on a trunk line, the fact shall be reported to the auditor of public accounts and the classification approved by him.

Railway eating houses may be licensed for less than one year by paying the proportion of annual privilege with ten per cent added, but the license must be multiple of five dollars of not less than above specified.

Railroads.

SEC. 74. Railroads are divided into four classes—first, second, third, and narrow gauge; and privilege taxes are levied on them as follows:

On each railroad of first class, per mile.	\$ 20 00
On second class, per mile.	15 00
On third class, per mile.	10 00
On narrow gauge, per mile.	2 00
On each railroad claiming exemption from state supervision under maximum and minimum provisions in their charter, an additional privilege tax per mile of.	10 00
On each refrigerator car, oil tank car or stock car doing business in this state and not owned or leased by any railroad company	2 00

Which shall be in lieu of all state and county taxes.

Same: The railroad commission shall annually on or before the first Monday in August, classify the several railroads according to such charter, exemption claim, and the gross earnings of each, and the privilege tax thereon shall be paid on or before the first day of December, and the findings of the said railroad commission shall be certified to the auditor of public accounts, and the chancery clerks of the counties through which each road or roads run.

Railroad ticket dealers.

[See scalpers.]

Dealers in ranges.

[See vendors, transient of.]

Restaurants.

SEC. 75. (See also lunch house and stand.) On each restaurant in any city of more than five thousand inhabitants	\$ 30 00
Same: In city of less than five thousand and more than one thousand inhabitants	20 00
On all other restaurants	5 00

Rooms.

[See theatres.]

SEC. 76. On each real estate agent, in cities of ten thousand inhabitants or over.....	\$ 25 00
In other places of less population.....	10 00

Scalpers, etc.

SEC. 77. On each dealer in railroad tickets, except authorized agents and employees of railroads.....	25 00
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Sewing machine agency.

On each agency for sewing machines.....	50 00
Same: On each agent of sewing machines, for each company	10 00

Shooting galleries.

SEC. 78. On each gallery in cities of four thousand or more inhabitants	20 00
Same: In cities of over two thousand and not over four thousand inhabitants	15 00
Same: In towns of one thousand and less than two thousand inhabitants	10 00
Same: In towns of less than one thousand inhabitants and outside of towns	5 00

Saw mills.

SEC. 79. On each saw mill with a capacity of over 5,000 feet and not over 25,000 feet output per day.....	10 00
Same: With a capacity of over 25,000 feet and less than 50,000 feet output per day.....	50 00
Same: With a capacity of over 50,000 feet and less than 75,000 feet output per day.....	75 00
Same: With a capacity of 75,000 to 100,000 feet output per day	100 00
Same: With a capacity of over one hundred thousand feet output per day.....	125 00

The tax named in this section shall not apply to saw mills that saw lumber for the exclusive use of the farms or plantations upon which they are located.

Shows.

SEC. 80. (See also circus, animals, exhibitions.) On each show of any kind not otherwise herein provided for, not included or taxed, for each show not in a licensed hall, each day.....	\$ 25 00
Same: On each side show.....	20 00
On each traveling gallery for the exhibition of art painting, statuary carving and like production of mechanical skill, for each county	5 00

Skating rink, bicycle rink.

SEC. 81. On each skating or bicycle rink in city of more than three thousand inhabitants.....	20 00
Same: In city or town of less than three thousand inhabitants	10 00

Sleeping cars.

SEC. 82. On each sleeping and palace car company carrying passengers from one point to another in this state. \$ 300 00
 And in addition thereto thirty cents a mile for each mile of railroad over which the company runs its cars in this state.

Soda fountains.

SEC. 83. On each soda fountain in towns of more than two thousand inhabitants. \$ 10 00
 Same: On each soda fountain in towns of less than two thousand inhabitants 5 00
 Same: On each person or firm selling soda water in bottles or otherwise, not from a fountain. 2 50

Pictures, enlargement of; frames.

SEC. 84. On each solicitor or agent for the enlargement of pictures for each county. \$ 5 00
 Same: On each transient solicitor or agency for picture frames or pictures, for each county. 10 00

Stables.

[See livery stables.]

Stallions, jacks.

SEC. 85. On all stallions or jacks, which stand for a fee. 5 00

Stage lines.

[See hack lines.]

Stave, heading and spoke factories.

SEC. 86. On each stave, heading or spoke factory, where the spokes are finished or in the rough. 25 00

Steam ferries.

[See ferries.]

Store.

SEC. 87. On each store where the stock never exceeds three hundred dollars. 2 50
 Same: On each store where the stock exceeds three hundred dollars, but never exceeds one thousand dollars. 5 00
 Same: On each store where the stock exceeds one thousand dollars, and not over two thousand dollars. 10 00
 Same: On each store where the stock sometimes exceeds two thousand dollars, but never exceeds thirty-five hundred dollars 15 00
 Same: On each store where the stock sometimes exceeds thirty-five hundred dollars, but never exceeds five thousand dollars 20 00
 Same: On each store where the stock sometimes exceeds five thousand dollars, but never exceeds seven thousand five hundred dollars. 25 00
 Same: On each store where the stock sometimes exceeds seven thousand five hundred dollars, but not more than ten thousand dollars. 30 00

Same: On each store where the stock sometimes exceeds ten thousand dollars, but not more than twelve thousand dollars	\$ 35 00
Same: On each store where the stock sometimes exceeds twelve thousand dollars, and not more than fifteen thousand dollars	40 00
Same: On each store where the stock sometimes exceeds fifteen thousand dollars, and not over twenty thousand dollars	50 00
Same: On each store where the stock sometimes exceeds twenty thousand dollars, and does not exceed twenty-five thousand dollars.....	60 00
Same: On each store where the stock sometimes exceeds twenty-five thousand dollars, and does not exceed thirty-five thousand dollars.....	85 00
Same: On each store with stock of over thirty-five thousand dollars and not over fifty thousand dollars.....	100 00
Same: On each store where the stock carried fifty thousand dollars	150 00
Same: On each store where the stock sometimes exceeds one hundred thousand dollars.....	200 00
Same: On each store where the stock sometimes exceeds two hundred and fifty thousand dollars.....	250 00

Second hand clothing.

SEC. 88. On each dealer in second-hand clothing, whether transient or resident..... 500 00

And this shall apply even though a party has paid a privilege tax for his store as herein required, if he deals in second-hand clothing.

Sword canes.

[See weapons, dealers in.]

Target guns.

[See shooting galleries.]

Taverns.

[See hotels.]

Street cars.

SEC. 89. On each street car company operating a line, on each mile or fraction thereof.....\$ 20 00

Same: [See trading car, sleeping car companies, carriages, public omnibuses, etc.]

Telegraph companies.

SEC. 90. On each telegraph company operating one thousand miles or more of line..... 250 00

Same: On each telegraph company operating less than one thousand miles of line, for each mile of line..... 25

Telephone exchanges.

SEC. 91. On each telephone exchange, with twenty subscribers or less..... 2 50

Same: On each telephone exchange of more than twenty and not more than thirty-five subscribers.....	\$ 5 00
Same: On each telephone exchange of more than thirty-five and not more than fifty subscribers.....	7 50
Same: On each telephone exchange of more than fifty and not more than seventy-five subscribers.....	12 50
Same: On each telephone exchange of more than seventy-five and not more than one hundred subscribers....	17 50
Same: On each telephone exchange of more than one hundred and not more than one hundred and fifty subscribers	37 50
Same: On each telephone exchange of more than one hundred and fifty subscribers.....	50 00
Same: On each long distance telephone company operating one thousand miles or more of a pole line.....	100 00
Same: On each long distance company operating less than one thousand miles of pole line, for each mile of line....	10

And municipalities shall not impose privilege taxes on long distance companies, but only on telephone exchanges.

Ten pin alleys.

[See billiard tables.]

Theatre.

SEC. 92. On each room or hall used as a theatre or opera house for public exhibitions or performance in a city having more than four thousand inhabitants, for each year	\$ 50 00
Same: In city having less than four thousand inhabitants, and more than two thousand inhabitants, each year....	25 00
Same: In cities or towns having two thousand or less, and more than one thousand inhabitants, each year.....	10 00
Same: On all other such rooms or halls.....	5 00
Same: On all dance rooms or halls.....	10 00

Dealers in railroad tickets.

[See scalpers.]

Tinware.

[See peddlers.]

Toll bridges.

[See ferries.]

Trading boats.

[See boats.]

Trading cars.

SEC. 93. On each trading car traveling two hundred and fifty miles or more	250 00
Same: Traveling less than two hundred and fifty miles, and more than one hundred and fifty miles.....	150 00
Same: Traveling less than one hundred and fifty miles..	100 00

Transient.

[See vendors bed springs, ranges, stoves.]

Traveling photograph galleries.

[See galleries, photograph.]

Embalmer.

SEC. 94. On each embalmer\$ 10 00

Coffins.

SEC. 95. On each dealer in coffins in a city or town of less than two thousand inhabitants 25 00

This shall not apply to merchants who carry coffins in their stock and pay a privilege tax on stock.

Same: In city or town of more than two thousand and less than three thousand inhabitants \$ 50 00

Same: In cities of more than three thousand and less than five thousand inhabitants 75 00

Same: In all cities, if dealer be an undertaker..... 100 00

Same: If any dealer in coffins, under the foregoing provisions, is an embalmer, or employs an embalmer in connection with his business, in that event he shall pay an additional tax 10 00

Provided, any one not a merchant in other lines, selling coffins in towns of less than one thousand inhabitants, shall pay a privilege tax of only..... 5 00

Vendors of spectacles.

On each transient vendor of spectacles not being a licensed peddler 15 00

Vendors, transient, bed springs.

SEC. 96. On each transient dealer in bed springs, who shall manufacture the same or sell them himself, or by his agent, not in a licensed store..... 15 00

Same: On each person employed in sale of same..... 5 00

Same: On each transient vendor of bed springs for each county 5 00

On each person selling right of territory or agencies to local agents in this state to sell washing machines or bed springs 25 00

Vendors, transient, of stock.

[See horse traders.]

Vendors, transient, of jewelry.

SEC. 97. On each transient vendor of jewelry, whether it is offered for sale in the store of a licensed merchant or not, to be paid in each county..... 50 00

Vendors of stoves, ranges and clocks.

On each transient vendor of iron or steel ranges, stoves, or clocks, in each county..... 100 00

But a company of persons may procure a privilege license to sell stoves, iron or steel ranges or clocks, in any twenty counties in the state, by paying to the auditor of public accounts \$1,000.

The license or licenses shall specify the county or counties in which the privilege is granted, and the sheriff of the county, in case license is taken out from the auditor, shall be notified of the privilege granted. The money for such privilege shall all be paid at once, but the privilege license may be granted at different times, after paying for twenty counties, privilege license may be granted for any number of counties at \$50 each.

Transient vendors of merchandise.

SEC. 98. On each transient vendor of merchandise, not being a licensed peddler..... \$ 50 00

Waterworks.

SEC. 99. On each waterworks or water supply company not owned by the city or town operating it, in city or town of ten thousand or more inhabitants..... 250 00
 Same: In cities, towns or villages of less than ten thousand and not more than three thousand inhabitants..... 100 00
 Same: In cities, towns or villages of not more than three thousand inhabitants 50 00

Dealers in deadly weapons.

SEC. 100. On each person or firm dealing in pistols, dirk knives, sword canes, brass or metallic knuckles, or other deadly weapons (shotguns and rifles excepted).. 100 00
 And which shall be in addition to all and any other taxes or privileges paid.

Warehouses.

SEC. 101. On each public warehouse where storage is charged, in villages of three hundred inhabitants or less. \$ 2 50
 Same: In towns or villages of five hundred or less inhabitants, and not less than three hundred inhabitants.... 5 00
 Same: In towns of over five hundred and less than one thousand inhabitants 10 00
 Same: In towns of one thousand and less than two thousand inhabitants 15 00
 Same: In cities or towns of over two thousand inhabitants. 20 00

Wharfbboats.

[See boats.]

Distillers of whiskey.

SEC. 102. On each distillery where whiskey, brandy or any other intoxicant is distilled 50 00

Wood yards.

SEC. 103. On each wood yard within two miles of a city of over eight thousand inhabitants..... 20 00

Same: On each wood yard in or within two miles of a city of over five thousand inhabitants and under eight thousand	\$ 10 00
Same: On each wood yard in or within two miles of a village, town or city of less than five thousand inhabitants	5 00

Water, mineral.

SEC. 104. On each establishment for the bottling and sale of mineral water, whether in barrels, kegs or jugs, or bottles	20 00
On each state agency for the distribution of mineral water, whether in barrels, bottles or other packages	20 00
On each transient vendor of mineral water.....	10 00

Privilege tax on transient persons, in certain cases.

SEC. 105. On each transient person delivering articles of any kind or description, when the agent or solicitor who sold the same, or took order therefor, has escaped the privilege tax, the party delivering such articles, or collecting for same, shall pay (and such agent in order to escape his tax must deliver and collect under the tax of the solicitor, and have the same in his possession) a privilege tax of five dollars for each county in which he does business.

Confederate soldiers exempt in certain cases.

SEC. 106. Any confederate soldier (who has lost a foot, hand or eye, or is otherwise infirm or who is over sixty years of age, verified by affidavit of the applicant), or the wife or the widow of any confederate soldier, may exercise any of the privileges herein enumerated, except that of dealing in liquor, cigarettes, deadly weapons, jenny lind or pool tables, or like contrivances kept for amusement, and second-hand clothing, without the payment of the tax thereon, if he exercises the privilege exclusively for himself and family, provided he resides in this state and does not own taxable property in excess of \$750.

Privileges to be paid to tax collector of county; certain privileges to be paid direct to auditor of public accounts; penalty for non-payment of privileges.

SEC. 107. Any person other than an insurance, telegraph, express and sleeping car companies, building and loan associations and commercial agencies, desiring to enjoy any of the privileges taxed by law in this state, shall first pay the tax prescribed to the collector of taxes of the county and obtain of him the license herein required for the privilege. Insurance companies, fraternal orders, incorporated insurance agencies and insurance agents shall pay direct for their privileges to the insurance commissioner. And telegraph, express, sleeping car companies, building and loan associations and commercial agencies, shall pay direct for their privileges to the auditor of public accounts, before they shall exercise any of the privileges of carrying on their business in this state. Any person or corporate body who shall exercise any of the privileges

taxed by law in this state, without first paying the tax and procuring the license as required, shall, on conviction, be fined not less than double the tax imposed on such privileges, or shall be imprisoned in the county jail not more than six months, or both, by such fine and imprisonment, and all contracts made with such person or corporation, association who shall violate the provisions of this chapter in reference to the business carried on in disregard thereof shall be null and void, so far only as such person may base any claim upon them, and no suit shall be maintained in favor of any such person, corporation or association on any such contract; provided that when each member of a firm is taxed and one or more members pay the tax, the forfeiture shall not apply to or affect the right of interest of the member or members, paying his or their tax and procuring the license so required, and he or they may collect all claims and enforce all contracts to the extent of his or their interest therein.

Auditor may grant privilege where inconvenient to obtain same from sheriff.

SEC. 108. In any case where it is inconvenient to obtain license from the sheriff of any county, the same may be obtained direct from the auditor of public accounts, upon payment into the state treasury of the amount required of them for the privilege of carrying on said business, and the auditor shall at once notify the proper collector. And any citizen shall have the right to demand of any transient person the exhibition of any of the licenses granted in this chapter, and upon failure of the holder to so exhibit, shall be prima facie evidence that said license have not been paid.

Coupon privilege licenses.

SEC. 109. The auditor of public accounts shall have all privilege tax licenses printed with twelve coupons attached, to commence with the month of May and end with the month of April, each coupon to represent in even dollars and cents an amount equal to one-twelfth of the whole face of the license. All privilege tax licenses, except those issued to railroads and retail liquor dealers, they to remain as under the law now in force, shall expire on the 30th day of April in each year.

Privilege license must show months paid for.

SEC. 110. A privilege tax license for twelve months shall be issued by the tax collector to the party applying for same with the twelve coupons attached, and for a shorter period with all the coupons represented by the months paid for. The tax collector shall be entitled to credit on his final settlement for all unused coupons and whole licenses remaining on hand.

Tax collector to notify by publication all persons liable for privilege.

SEC. 111. The tax collector shall publish for four consecutive weeks during April of each year, in some newspaper published in the county, a notice informing all persons liable for a privilege tax that the amount will be due the following May.

Privilege tax record to be kept; same to be furnished to auditor.

The tax collector shall keep a privilege tax register in which the names of all privilege taxpayers shall be recorded, showing amount paid, number of license, for what occupation or profession issued, and the month or months paid for. This record shall be furnished to the auditor of public accounts when his final settlement is due with the unused licenses, privilege tax stubs, and unused coupons. If the same be found correct, and the amounts represented thereon to have been paid into the state treasury, the auditor of public accounts shall indorse the register "Examined and found correct." This register shall constitute a permanent record of the tax collector's office, and always be open for the inspection of the public, and he shall submit the same to the grand jury.

Damages in case of failure to procure license.

SEC. 112. All persons or corporations liable for privilege tax who shall fail to procure the license during the month in which it is due shall be liable for double the amount of the tax, and it is hereby made the duty of the tax collector to collect the amount, issue a separate license therefor, and to endorse across its face the words "collected as damages."

Compensation allowed tax collector.

SEC. 113. On all licenses not paid during the month when due, and on which double tax is collected, the tax collector shall be entitled to retain one-half of said damages as compensation for his extra service, in addition to the regular commissions now allowed by law.

Auditor to have licenses printed.

SEC. 114. The auditor of public accounts is authorized to prepare and have printed the privilege licenses necessary to carry this act into effect. The provisions of this act shall also apply to all licenses that the auditor of public accounts is required to issue.

Tax collector to make monthly report to auditor of all licenses issued and amount collected; penalty for failure to make report.

SEC. 115. The privilege tax paid to the tax collector shall be reported by him monthly, and paid into the state treasury as other taxes and each collector shall, at the end of each month, make to the auditor a detailed report of the license issued by him during the month, showing the number and date of the license, and name of licensee, the privilege for which they were issued, and the amount collected for them; and if any collector shall fail to make any such report he shall be liable to be published as a defaulter by the auditor of public accounts, and a failure of the auditor to so publish such defalcation promptly shall render such auditor liable on his bond to the sureties of such tax collector for all amounts said sureties may have to pay on account of default of said collector and sued on his bond as defaulter; and this account of the auditor against the tax collector for license shall be kept so as to show by denominations and numbers exactly what licenses charged to him by the auditor are in his

hands at any time; and upon the final settlement of each collector, the auditor shall require the return by him of all licenses charged to him and not issued by him, and such collector shall receive credit for all licenses charged to him and not issued by him, and which he shall return to the auditor, and all licenses the collector shall not thus account for, he shall be held liable for, and for so much money as equals the amount of such license.

Tax collectors to make requisition for license; auditor to issue same; record to be kept of all licenses issued.

SEC. 116. Each tax collector shall make requisition upon the auditor of public accounts for so many of the licenses for privileges of the different denominations as he will need for his county from time to time, which license, blank as to name and date, shall be furnished him by the auditor, and upon application and payment to the tax collector of the taxes imposed on said privileges, the said collector shall issue to the applicant for it a license, and shall date each license the day of the month of its issuance, and it shall be good for one year or fractional part of a year after that date. But the license of those persons who are required to take out license under the provisions of the chapter of the code of 1892, and its amendments, on dram shops, shall only be good for one year from date of granting the petition for license. The collector shall countersign all license when issued by him, and he shall keep in his office a book in which he shall enter the number of the license, the date, the full name of the licensee, or, if a firm, the full name of all members thereof, and the time when the license will expire, the amount collected by him for it. And the failure of said collector to do so shall subject him to be sued on his bond for damage that may accrue to any one by reason of his neglect or refusal to do so. And the book kept by the collector as record of such license, shall be subject to the inspection of any officer or citizen of the state. Any one failing to pay the privileges by this act imposed, and to obtain license as herein required, but pursuing the business taxed without such license, may be proceeded against by suit, besides being dealt with criminally, and the tax collector may seize and sell any property of each person liable for such tax in the same manner as he may distrain and sell property of other delinquents.

License to be a personal privilege.

SEC. 117. The license herein provided shall be a personal privilege, enjoyable only by the person to whom it was issued, and it shall not be transferable, and such license shall not exempt from taxation any property used in the business, except as specifically provided for in this chapter.

Applicant for license to make affidavit as to amount of stock, etc.; failure of sheriff to take affidavit a misdemeanor.

SEC. 118. The tax collector shall require every applicant for license to carry on any business on which is imposed a privilege tax in proportion to the capital stock, stock of merchandise or other variable circumstances, to make affidavit on the basis on which he

seeks such license, giving the full name and the post-office address of all the members of the firm, which affidavit shall be carefully preserved by the collector for the use of the grand jury and other courts, and the affidavit must state the largest amount which the party expects to have on hand at any time during the period for which the license is desired. Any sheriff who shall fail or refuse to take or require the affidavit herein required shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$100 nor more than \$500.

Tax collector liable for taxes which he might, but fails to, collect.

SEC. 119. The tax collector shall call upon and require all persons liable to pay a privilege tax, to pay the same; and he shall prosecute all persons for doing business without license. The tax collector shall be liable to be proceeded against for failure to collect and require the payment of a privilege tax in the same manner as for failure to collect the taxes assessed, and his liability shall extend to all cases where he might collect such taxes, but fail to do so. The demand required by this section shall not be necessary to render liable the taxpayer to the penalty of doing business without paying the tax. In all cases where the question arises as to whether a privilege tax has been paid, the license or record, if in existence, shall be the only evidence of payment.

Restriction of taxation of privileges.

SEC. 120. The privilege tax, as above provided, shall not be taxed by the board of supervisors of any county; nor shall they be subject to taxation by any municipality to an amount exceeding fifty per centum of the tax specified, unless expressly provided for by law, and a tax shall not be levied by a county or municipal authority on the privilege tax imposed on insurance companies, telegraph, express or sleeping car companies, building and loan associations, and commercial agency, which shall pay the tax levied as above to the state treasurer, and receive license from the auditor of public accounts.

License to be taken out on increased business.

SEC. 121. In all cases wherein a privilege tax is required for carrying on business in this state, and a privilege tax license has been obtained for the same, and afterwards said party shall desire to increase his business and take out additional privilege tax, he shall only be required to pay the privilege on such increase, provided the additional license shall expire at the same time of the original license.

Post license in conspicuous place.

SEC. 122. All privilege licenses issued shall be pasted or posted in a conspicuous place in the place of business of the person to whom such privilege has been issued, where the business carried on has a permanent location, and any location shall be considered permanent that is not changed or moved oftener than sixty days.

Enforcing clause.

SEC. 123. That all acts in conflict with this act shall be, and they are hereby, repealed, and this act be in force and effect from and after its passage. But all penalties, civil and criminal, heretofore incurred for violation of the privilege tax law, shall remain unaffected by this act, and may be enforced as heretofore.

Approved the 16th day of March, 1904.

CHAPTER 77.**H. B. No. 587.**

AN ACT to raise revenue to carry on the state government of Mississippi for the years 1904 and 1905.

Tax levy six (6) mills.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the state tax is hereby fixed at six (6) mills on the dollar for 1904, and at six (6) mills on the dollar for the year 1905.

Governor may borrow money.

That the governor is hereby authorized to borrow, whenever necessary, during the year 1905, a sum of money not to exceed three hundred thousand dollars (\$300,000), and at a rate of interest not to exceed five per cent per year, payable on or before January 15, 1906. Said sum or sums of money shall be borrowed as needed, to defray the expenses of the state during the year 1905.

Tax levy by boards of supervisors.

SEC. 2. Boards of supervisors may levy taxes for all purposes which, added to the state tax, will make sixteen (16) mills on the dollar, and no more; *provided*, that counties may levy an additional tax of not exceeding two (2) mills on the dollar to provide funds to maintain the public schools.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 78.**H. B. No. 562.**

AN ACT to authorize the issuance of state bonds for the purpose of defraying the expenses of the state government.

Bonds for five hundred thousand dollars (\$500,000) to be issued; interest shall not exceed three and one-half per cent annually.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the governor of this state is hereby authorized and empowered to have prepared immediately, ready for signature and

execution, thirty year bonds of the state of Mississippi of the total amount of five hundred thousand dollars (\$500,000), payable to bearer at the treasury in the city of Jackson, payable at the end of ten years, and that at any time thereafter, at the option of the state, and if the state exercises this option it shall call in and pay off said bonds in numerical order, beginning with bond No. 1. Said bonds shall bear interest at the rate of not exceeding three and one-half per cent per annum, and said interest shall be payable semi-annually, on the first day of January and July in each year, and interest coupons shall be attached to said bonds, payable semi-annually, as above stated, at the treasury.

Bonds shall be advertised sixty days; bonds not to be sold for less than par; certified check to accompany bid.

SEC. 2. The governor shall, as soon as may be practicable, proceed to offer said bonds, or so much thereof as in his judgment may be proper, for sale to the highest bidder for cash, in such series, for such amounts and at such times as he may elect, as hereinafter directed. He shall give notice in such newspapers as he may deem proper, not less than five in number, and not less than sixty days before the sale, and continuously until sale, and the bids for said bonds shall be received by him in sealed envelopes, accompanied by certified checks of cash to the amount of one-tenth of the value of bonds bid for. On the day fixed by said notice the governor, treasurer, and auditor shall open said bids, and declare the result of the bidding. No bids shall be received at a price less than the par value of said bonds, and all bids shall be for any amount of bonds desired, in the sum of one hundred dollars (\$100), or multiples thereof. When the governor, treasurer and auditor shall have named the successful bidders, they shall give such bidder a certificate showing the amount bid by him, on which the said purchaser shall obtain from the auditor of public accounts a receipt warrant authorizing him to pay the amount of said bid into the state treasury. When said purchaser shall have so paid into said treasury said amount of said bid, the governor shall proceed as soon as may be practicable to execute finally the bonds so sold to him, and deliver the same to him with interest coupons belonging thereto attached, first, however, detaching, if any, as would represent interest prior to the first day of January or the first day of July, as the case may be, next preceding said purchase.

Bonds may be sold at private sale.

If, at such sale, any of said bonds shall remain unsold, the governor shall proceed to make other sales, in the manner herein directed, for the purpose of disposing of said bonds; and if, after the second sale, any bonds remain unsold, he may, with the advice and consent of the treasurer and auditor, negotiate the same at private sale for a price not less than par.

Bonds to be signed; shall be non-taxable.

SEC. 3. That said bonds shall be signed by the governor and secretary of state, and sealed with the great seal of the state; but the

coupons of interest may be unsealed, and the signatures may be engraved *fac simile* of the governor and secretary of state. And said bonds shall not be taxable for any purpose. The proceeds of the bonds sold, together with any other moneys in the treasury, shall be used in defraying the expenses of the state government.

Appropriation to defray expense of preparing bonds.

SEC. 4. The sum of twenty-five hundred dollars (\$2,500), or so much thereof as may be necessary to pay the expenses of printing and engraving the said bonds and advertising them for sale, is hereby appropriated out of any money in the state treasury not otherwise appropriated.

SEC. 5. That this act take effect and be in force from and after its passage.

Approved March 18, 1904.

CHAPTER 79.

H. B. No. 256.

AN ACT to amend sections 10, 18, 24, 26, 33, 34, 35, 39, the fourth paragraph of section 44, sections 45, 46, 58, 62, 91, 92 and 96 of chapter 59 of the sheet acts of 1902 in relation to insurance companies and fraternal orders doing an insurance business in this state, and to provide for the investigation of incendiary fires.

Insurance companies of every character subject to insurance department; access to books, etc.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That section 10 of chapter 59 of the acts of 1902 be amended so as to read as follows: Section 10. All indemnity or guarantee companies, all insurance companies, corporations, associations and fraternal orders doing an insurance business, whether domestic or organized under the laws of other states or governments, transacting or to be admitted to transact business in this state, shall be placed under this department and shall be subject to the inspection and supervision of the commissioner; and it shall be his duty, either personally or by some competent person appointed by him, whenever he shall deem it expedient, to make a careful examination of such concerns, for which purpose he shall be authorized to administer oaths, and may subpoena and qualify as witnesses under oath and examine the directors, officers, agents and trustees of any such concern, and the assured, and shall have free access to all of its books and papers that relate to its business, and to the books and papers of any of its agents, the assured or other persons in relation to its affairs, transactions and condition.

Legal process; notification; liability of commissioner for failure to notify.

SEC. 2. That section 18 of said chapter 59 be amended so as to read as follows: Section 18. When legal process is served upon the commissioner as attorney for a foreign company or order under

the provisions of section 44 of this act, he shall forthwith notify the company or order of such service by letter prepaid and directed to its secretary, or, in the case of a foreign country, to its resident manager, if any, in the United States, and shall, within two days after such service, forward in the same manner a copy of the process served on him to said secretary or manager, or to such person as may have been previously designated by the company or order by written notice filed in the office of the commissioner; but the failure of the commissioner to notify the company or order shall not affect the validity of such service, but shall subject him to liability on his bond for such damages as the company or order shall suffer thereby.

Fee for service of process; record of service.

As a condition of a valid and effectual service and of the duty of the commissioner in the premises, the plaintiff in such process shall pay to the insurance commissioner at the time of service thereof the sum of two dollars (\$2), which the said plaintiff shall recover as taxable costs if he prevails in his suit. The commissioner shall keep a record of all such proceedings, which shall show the day and hour of service.

Insurance companies, how organized; purposes of organization.

SEC. 3. That section 24 of said chapter 59 be amended so as to read as follows: Section 24. Insurance companies may be formed as provided in section 25 of this act for any one or more of the following purposes, to wit:

First, to insure against loss or damage by fire, lightning, wind, hail, or tornado, cyclone, use and occupancy, and for non-occupancy, upon the stock plan.

Second, to insure upon the stock plan, vessels, freights, goods, money, effects, and money lent on bottomry or respondentia, against the perils of the sea and other perils usually insured against by marine insurance, including risks of inland navigation and transportation.

Third, to guarantee the fidelity of persons in positions of trust, private or public, and to act as surety on official bonds and for the performance of other obligations.

Fourth, to insure against loss or damage to property of the assured, or loss or damage to the life, person or property of another for which the assured is liable, caused by the explosion of steam boilers.

Fifth, to insure any person against bodily injury or death by accident, or any person, firm or corporation against loss or damage on account of the bodily injury or death by accident of any person for which loss or damage said person, firm or corporation is responsible.

Sixth, to insure against the breakage of plate glass, local or in transit.

Seventh, to insure against loss or damage by water to any goods or premises arising from leakage of sprinklers and water pipes.

Eighth, to insure against loss or damage to property arising

from accidents to elevators, bicycles and vehicles, except rolling stock of railways.

Ninth, to carry on the business commonly known as credit insurance or guaranty, either by agreeing to purchase uncollectible debts or otherwise to insure against loss or damage from the failure of persons indebted to the assured to meet their liabilities.

Tenth, to carry on the business commonly known as life and health insurance, on the stock plan; contract for the payment of endowments or annuities, or make and enter into such other contracts, conditioned upon the continuance or cessation of human life. To insure horses and other live stock against death.

Insurance of apparatus; separate policies to be issued.

All insurance companies authorized to transact fire insurance business in this state may, in addition to the business which they are now authorized by law to do, insure sprinklers, pumps, and other apparatus erected or put in position for the purpose of extinguishing fires, against damage, loss or injury resulting from accidental causes other than fire; and also insure any property which such companies are authorized to insure against loss or damage by fire, against damage, loss or injury by water or otherwise, resulting from the accidental breaking off or injury to sprinklers, pumps, or other apparatus, arising from causes other than fire. Contracts of this kind, provided for in this paragraph, shall not be incorporated in any contract of insurance against loss or damage by fire, but shall be contained in separate and distinct policies, the conditions of which shall be prescribed by the insurance commissioner for the state.

Capital required for various classes of insurance companies.

SEC. 4. That section 26 of said chapter 59 be amended so as to read as follows: Section 26. No corporation so formed shall transact any other business than that specified in its charter and articles of association. Companies to insure plate glass may organize with a capital stock of not less than ten thousand dollars (\$10,000). Companies so formed issuing health policies, policies against damage by hail, or insuring marine risks or inland risks, shall have a capital of not less than twenty-five thousand dollars (\$25,000). Companies for the purpose of transacting life or fire insurance, of fidelity insurance, accidental insurance, of steam boiler insurance, or for the transaction of the business authorized under the seventh, eighth, and ninth paragraphs of section 24 of this act, shall have a capital of not less than fifty thousand dollars (\$50,000); *provided*, that life companies on the industrial plan, issuing policies not over five hundred dollars (\$500), may be allowed to transact business with as little capital as twenty-five thousand dollars (\$25,000). Companies may be so formed to insure mechanics tools and apparatus against loss by fire for an amount not exceeding two hundred and fifty dollars (\$250) in a single risk, with a capital of not less than ten thousand dollars (\$10,000), divided into shares of the par value of ten dollars (\$10) each.

Amount of insurance; three-quarter clause; partial loss.

SEC. 5. That section 33 of said chapter 59 be amended so as to read as follows: Section 33. No insurance company shall knowingly issue any fire insurance policy upon property within this state for an amount which, together with any existing insurance thereon, exceeds the fair value of the property, nor for a longer term than five years. When real property or buildings, household or kitchen furniture, insured against loss by fire and situated within this state are totally destroyed by fire, the company shall not be permitted to deny that the property insured was worth, at the time of the issuing of the policy, the full value upon which the insurance was calculated. And in case the policy contains a three-quarter valuation clause, the insurer shall not deny that the amount of the policy was but three-fourths the value at the date of its issuance, and a similar rule shall apply, it matters not what proportion the amount of insurance bears to valuation according to the terms of the policy; but the measure of damages shall be the amount for which the property was insured. In case of partial loss or damage by fire to real property or buildings the measure of damage shall be an amount equal to the damage done the property not to exceed the amount written in the policy.

Insurer to furnish blanks for proof of loss.

In case of destruction or damage of property by fire where the same is insured against fire, it shall be the duty of the insurance company or companies liable for such loss, within a reasonable time after receiving notice thereof, to furnish to the insured proper blanks upon which to make the required proof of such loss, with full directions as to what proof is required to secure the payment of the policy, and if the insurance company fails to comply with this section, the failure of the insured to make proper proof of loss prior to the suit shall be no defense to a suit upon the policy, and in all cases the insured shall have a reasonable time in which to make such proof after the blanks and directions are received.

Insurance company to notify commissioner of loss.

Every insurance company transacting business in this state shall, upon receiving notice of loss by fire of property in Mississippi, on which it is liable under a policy of insurance, forthwith notify the insurance commissioner thereof, and no insurance upon any such property shall be paid by any company until one week after such notification, except by permission of the insurance commissioner. Any company violating this section may be fined by the insurance commissioner the sum of ten dollars (\$10) for each and every offense, and for refusal to comply with its provisions have its license cancelled by said commissioner.

Examining and insuring title to real estate; certificate to be obtained from commissioner.

SEC. 6. That section 32 of said chapter 59 be so amended as to read as follows: Section 32. Companies may be formed in the same manner provided in this chapter for the purpose of examining

titles to real estate, furnishing information in relation thereto, and guaranteeing owners and others interested therein against loss by reason of incumbrances and defective titles, guaranteeing the fidelity of persons in positions of trust, public or private, and guaranteeing the faithful performance of contract and obligations of every kind, character and description whatsoever and by whomsoever made. Such companies shall not be subject to the provisions of this chapter, except as regards the manner of their formation, as follows, to wit: Any company, before it shall issue any policy of contract or guaranty, shall file with the insurance commissioner a certified copy of the record of the certificate of its organizations in the office of the secretary of state, and shall obtain from the insurance commissioner his certificate that it has complied with the laws applicable to it, and is authorized to do such business. Every corporation which writes policies of guaranty shall, on or before the 30th day of January of each year, file in the office of the insurance commissioner a statement, such as he may require, of its condition and of its affairs for the year ending on the preceding 31st of December, signed and sworn to by its president, secretary or treasurer, or one of its directors, and for neglect to file such annual statement shall be liable to the same penalties as is imposed upon such companies.

License to be granted.

The insurance commissioner shall annually license such companies as write contracts of guaranty, and their agents, and shall have the same power and authority to visit and examine such companies as he has in the case of domestic insurance companies, and the duties and liabilities of such companies and their agents in reference to such examination, shall be the same as those of domestic insurance companies. But persons licensed as fire insurance agents and persons who are practicing attorneys at law, may act as agent for any such company without additional license.

Capital of real estate title insurance company.

A corporation created under the provisions of this section shall not write any policy or contract of guaranty until it has a paid-up capital of at least twenty-five thousand dollars (\$25,000); and the total amount of any policy shall not exceed ten per cent of the paid-up capital of the company.

Powers granted corporations.

Corporations created under the provisions of this section shall have all the powers and privileges enjoyed by corporations created under the general corporation laws of this state, and may issue shares of stock of different classes, and within the limits fixed by law, and may fix the relative rights and liability of the holders of each class of stock.

Mortgages protected in order of priority.

SEC. 7. That section 34 of said chapter 59 be amended so as to read as follows: Section 34. When by an agreement with the assured or by the terms of a fire insurance policy taken out by a

mortgagor, the whole or any part of the loss thereon is payable to the mortgagee or mortgagees of the property for their benefit, the company shall, upon satisfactory proof of the rights and title of the parties, in accordance with such terms and agreement, pay all mortgages protected by such policy in the order of their priority of claim, as their claims shall appear, not beyond the amount for which the company is liable, and such payments shall be to the extent thereof, payments and satisfaction of the liabilities of the company under such policy.

Mortgage clause.

Each fire insurance policy on buildings taken out by a mortgagor or grantor in a deed of trust shall have attached or shall contain substantially the following mortgagee clause, viz.:

"Loss or damage, if any, under this policy, shall be payable to (here insert name of the party), as mortgagee (or trustee), as interest may appear, and this insurance, as to the interest of the mortgagee (or trustee) only therein, shall not be invalidated by any act or neglect of the mortgagor or owner of the within described property, nor by any foreclosure or other proceedings or notice of sale relating to the property, nor by any change in the title or ownership of the property, nor by the occupation of the premises for purposes more hazardous than are permitted by this policy, provided that in case the mortgagor or owner shall neglect to pay any premium due under this policy the mortgagee (or trustee) shall, on demand, pay the same; *provided also*, that the mortgagee (or trustee) shall notify this company of any change of ownership or occupancy or increase of hazard which shall come to the knowledge of said mortgagee (or trustee), and, unless permitted by this policy, it shall be noted thereon and the mortgagee (or trustee) shall, on demand, pay the premium for such increased hazard for the term of the use thereof; otherwise this policy shall be null and void. This company reserves the right to cancel this policy at any time as provided by its terms, but in such case this policy shall continue in force for the benefit only of the mortgagee (or trustee) for ten days after notice to the mortgagee (or trustee) of such cancellation and shall then cease, and this company shall have the right on like notice to cancel this agreement. In case of any other insurance upon the within described property this company shall not be liable under this policy for a greater proportion of any loss or damage sustained than the sum hereby insured bears to the whole amount of insurance on said property, issued to or held by any party or parties, having an insurable interest therein, whether as owner, mortgagee or otherwise. Whenever this company shall pay the mortgagee (or trustee) any sum for loss or damage under this policy and shall claim that as to the mortgagor or owner, no liability therefor existed, this company shall, to the extent of such payment, be thereupon legally subrogated to all the rights of the party to whom such payment shall be made, under all security held as collateral to the mortgage debt, or may,

at its option, pay to the mortgagee (or trustee) the whole principal due or to grow due on the mortgage with interest, and shall thereupon receive a full assignment and transfer of the mortgage and of all such other securities; but no subrogation shall impair the right of the mortgagee (or trustee) to recover the full amount of claim." *Provided*, nothing in the foregoing prescribed form shall be construed to in any manner modify the provisions of section 5 of this act.

Re-insurance regulated.

SEC. 8. That section 39 of said chapter 59 be amended so as to read as follows: Section 39. No domestic life insurance company shall reinsure its risks except by permission of the insurance commissioner, but may reinsure not exceeding one-half of any individual risk. No life insurance company or fraternal order, organized under the laws of or doing business in this state, shall enter into any contract of insurance upon lives within this state without having previously made or caused to be made a prescribed medical examination of the insured by a medical practitioner, authorized to practice medicine by the laws of Mississippi; *provided*, that this shall not apply to policies not exceeding one hundred dollars (\$100) on any one life.

Fine for violation.

Any insurance company or fraternal order violating this provision, or any officer, agent, or other person soliciting, or effecting, or attempting to effect a contract of insurance contrary thereto, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars (\$100) for each offense.

Agents to acknowledge service of process.

SEC. 9. That the fourth paragraph of section 44 of said chapter 59 be amended so as to read as follows: Fourth. It shall appoint as its agent or agents in this state some resident or residents thereof other than the insurance commissioner, such appointment to be made in writing, signed by the president and secretary or manager or general agent, and filed in the office of the commissioner, authorizing the agent to acknowledge service of process for and on behalf of the company, and consenting that service of process on the agent shall be as valid as if served upon the company, according to the laws of this state, and waiving all claim of error by reason of such service.

License or renewal; affidavit to be made not to re-insure with company not authorized to transact business in the state.

SEC. 10. That section 45 of said chapter 59 be amended so as to read as follows: Section 45. Whenever an application for license, for renewal of license, or for admission to this state, is made by a company, whether of this state or another state of the United States, or of a foreign country, for the transaction of business of fire insurance herein, such company shall, as one of the prerequisites of admission, file a sworn declaration signed by its president

and secretary, or officers corresponding thereto, that it will not re-insure any risk or part thereof taken by it on any property located in Mississippi with any company not authorized to transact the business of fire insurance in this state; *provided*, that when all efforts have been exhausted and fail to place the entire line of needed re-insurance on any one risk in companies authorized to do business in this state which have representatives in the community authorized to bind such companies, at the same rate as offered by other solvent companies, the excess may be written in companies not thus authorized. In all such cases an affidavit shall be filed by the company, or its agent, within one month from date of placing such re-insurance with the insurance commissioner of this state, giving complete list of the companies applied to for reinsurance, with the amounts accepted by each of those authorized to do business in the state, and a list also of the companies writing the excess herein provided for, with the amounts written by them respectively, and this affidavit shall be open for public inspection; *provided further*, that companies shall not be required to offer any portion of the needed reinsurance to any company which is, or has within the preceding twelve months been in an impaired condition. Reinsurance premiums paid to companies authorized to do business in Mississippi may be deducted from gross premiums in the semi-annual tax returns, when affidavits are furnished from such authorized reinsuring companies that the amounts so deducted are included in their own semi-annual tax returns, and are paid on by the authorized reinsuring company.

Returns as to re-insurance to be made annually, or oftener if required.

SEC. 11. Every fire insurance company now or hereafter admitted shall annually, and at such other times as the insurance commissioner may require, in addition to all the terms now, by law, required of it or its agents or managers, make a return to the insurance commissioner in such form and detail as may be prescribed by him of all reinsurance contracted for or effected by it directly or indirectly, upon property located in Mississippi, such return to be sworn to by its president and secretary, if a company of one of the United States, and if a company of a foreign country, by its president and secretary, or by officers corresponding thereto, as to reinsurance as aforesaid contracted for, or effected through the foreign office, and by the United States manager as to such reinsurance effected by the United States branch, and if any company, domestic or foreign, shall directly or indirectly reinsure any risk taken by it on any property located in Mississippi in any company not duly authorized to transact business herein, except as hereinbefore provided, or if it shall refuse or neglect to make the returns required by this section, the insurance commissioner shall revoke its authority to transact business in this state.

Deposit required of companies outside United States.

SEC. 12. That section 46 of said chapter 59 be amended so as to read as follows: Section 46. Such foreign company, if incorporated or associated under the laws of any government or state

other than the United States or one of the United States, shall not be admitted until, besides complying with the conditions of section 44, it has made a deposit with the treasurer of the state, or with the financial officer of some other state of the United States, of a sum not less than the capital required of like companies under this act. Such deposit must be in exclusive trust for the benefit and security of all the company's policy-holders and creditors in the United States, and may be made in the securities but subjected to the limitations specified in section 27 of this act, and such deposit shall be deemed for all purposes of the insurance law the capital of the company making it.

Reports to be kept on file with commissioner; certificate to be made to chancery clerk.

SEC. 13. That section 58 of said chapter 59 be amended so as to read as follows: Section 58. The insurance commissioner shall keep on file in his office, for the inspection of the public, all the reports received by him, in obedience to this chapter, and shall certify to the clerk of the chancery court of each and every county an abstract of each annual statement at the expense of the company making the same, and he shall also certify, at like expense, to said clerks a list of all companies and orders authorized to do business in this state and of those whose licenses have expired without renewal or that have been revoked, and the said certified abstracts and lists each clerk as aforesaid shall file in stub books, furnished by the insurance commissioner, which books shall be open for the inspection of the public, provided there shall be no fee for any seal required by this section.

Agent must obtain license; exhibit same; failure to exhibit.

SEC. 14. That section 62 of said chapter 59 be amended so as to read as follows: Section 62. Every agent, or organizer, of any insurance company, or fraternal order, authorized to do business in this state, shall be required to obtain annually from the insurance commissioner a certificate under the seal of his office showing that the company or association for which he or she is agent or organizer is licensed to do business in this state, and that he or she is an agent or organizer of said company or association and duly authorized to do business for it. And every such agent or organizer, on demand, shall exhibit the said certificate to the person from whom he or she shall solicit insurance. Any failure to exhibit said certificate shall render said agent or organizer liable, on conviction before a justice of the peace, to a fine of ten dollars (\$10), or imprisonment for ten days for each offense. In case of loss or destruction of such certificate the insurance commissioner, for a fee of fifty (50) cents, may certify to its issuance, giving number, date and form, which may be used by the original party named therein in lieu of said original certificate. There shall be no additional charge for the seal affixed to such certificate.

Certificate of authority not to issue; tenure of privilege license.

SEC. 15. No certificate of authority shall be issued to any agent who has not previously obtained from the insurance commissioner a privilege license to act as an insurance agent; provided that agents or organizers of fraternal orders shall not be required to have such privilege license; *provided further*, that the privilege license required of an insurance agent shall continue for the next ensuing twelve months after March 1st of each year, and the insurance commissioner may receive from applicants, after March 1st, so much of such license as may be due pro rata for full months of the remainder of the year, and that all agents who have paid their license for 1904, required prior to the passage of this act, shall have credit for the unearned part of the license so paid pro rated for full months of the unexpired term of such license.

Cause of fires to be investigated; report to commissioner; record of fires to be kept.

SEC. 16. That section 91 of said chapter 59 be amended so as to read as follows: Section 91. The insurance commissioner and the chief of the fire department, or chief of police (where no chief of fire department) in cities and towns, and the sheriff of the county where such fire occurs outside of an incorporated city or town, are hereby authorized to investigate the cause, origin and circumstances of every fire occurring in such cities or towns or counties in which property has been destroyed or damaged, and shall specially make investigation whether such fire was the result of carelessness or design. A preliminary investigation shall be made by the chief of the fire department or chief of police (where no chief of fire department) in incorporated cities and towns, and by the sheriff of the county where such fire occurs outside of an incorporated city or town, and shall be begun as soon as possible after the occurrence of such fire, and the insurance commissioner shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The officer making such investigation of fires shall forthwith notify said insurance commissioner, and shall, within ten days of the occurrence of the fire, furnish the said insurance commissioner a written statement of all the facts relating to the cause and origin of the fire, the kind, value and ownership of the property destroyed, and such other information as may be called for by the blanks provided by the said commissioner. The insurance commissioner shall keep in his office a record of all fires occurring in the state, together with all facts, statistics and circumstances, including the origin of the fires which may be determined by the investigations provided for by this act. Such record shall at all times be open to public inspection.

Examination into accidental, unlawful or incendiary fires.

SEC. 17. That section 92 of said chapter 59 be amended so as to read as follows: Section 92. It shall be the duty of the insurance commissioner to examine, or cause examination to be made, into the cause, circumstances and origin of all fires occurring within

the state to which his attention has been called, in accordance with the provisions of section 91 of this act, or by interested parties, by which property is accidentally or unlawfully burned, destroyed or damaged, whenever in his judgment the evidence is sufficient, and to especially examine and decide whether the fire was the result of carelessness or the act of an incendiary. The said commissioner shall, in person, by deputy or otherwise, fully investigate all circumstances surrounding said fire, and when in his opinion said proceedings are necessary, take or cause to be taken the testimony, on oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matters as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or other wilful burning, he shall cause such person to be arrested and charged with such offense, prosecuted and bound over to the circuit court, and shall furnish to the district attorney of district all such evidence, together with the names of witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

Expenses defrayed by fire insurance companies.

SEC. 18. That section 96 of said chapter 59 be amended so as to read as follows: Section 96. Any expenses, including counsel, expenses of deputy, detectives and officers, incurred by the insurance commissioner in the performance of the duties imposed upon by the provisions of sections 91, 92, 93 and 94 of this act shall be defrayed by the fire insurance companies doing business in this state, and a tax of one-fifth of one per centum on the gross premium receipts of all such companies is hereby levied for this purpose, to be collected by said commissioner as other taxes on insurance companies are collected. The insurance commissioner shall keep a separate account of all moneys received and disbursed under the provisions of this act, and shall include same in his annual report. Any excess of such tax shall be covered into the treasury on the first day of March of each year.

SEC. 19. That if any insurance company shall remove or make application to remove into any United States court any action or proceedings commenced in any court of this state, upon a claim or cause of action arising out of any business or transaction done in this state, it shall be the imperative duty of the insurance commissioner to immediately upon receipt of the certificate hereinafter mentioned revoke any and every authority, license or certificate granted to such foreign insurance company or any agent thereof to transact any business in this state, and no such foreign insurance company or agent thereof shall thereafter transact any business in this state until again duly licensed, and in case of such revocation, no renewal license or certificate of authority to transact business in this state shall be granted to such foreign insurance company for three years after such revocation. Whenever such license shall be re-

voked the insurance commissioner shall give notice of such revocation by mail to every agent of such foreign insurance company who shall have obtained any certificate of authority to transact business for such foreign insurance company at the time of such revocation in this state. A certified copy of the application, petition or order of removal furnished the insurance commissioner shall be sufficient evidence of the removal of any cause.

SEC. 20. That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

SEC. 21. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 80.

H. B. No. 481.

AN ACT to amend an act to establish a separate and distinct department of insurance, to create the office of insurance commissioner and to regulate insurance companies and fraternal orders doing an insurance business in this state, and to provide for the investigation of incendiary fires.

Department of Insurance; amended.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that an act to establish a separate and distinct department of insurance, to create the office of insurance commissioner, and to regulate insurance companies and fraternal orders doing an insurance business in this state, and to provide for the investigation of incendiary fires, approved March 5, 1902, be amended as follows :

Capital stock; time of payment; investment, how made.

Section 27 shall be amended to read as follows: The capital stock shall be paid in cash within twelve months from the date of charter or certificate of organization, and no certificate of full shares and no policies shall be issued until the whole capital is paid in. A majority of directors shall certify on oath that the money has been paid by the stockholders for their respective shares, and the same is held as the capital of the company, invested, or to be invested, as herein required. Such capital shall be invested only as follows:

First. In first mortgages on real estate in this state.

Second. In bonds of the United States or of any state whose bonds do not sell for less than par.

Third. In the bonds or notes of any city, county or town of this state whose net indebtedness does not exceed six per cent of the last preceding valuation of property therein for purposes of taxation, or in any such bonds that are worth a premium in the market.

Fourth. In real estate not exceeding twenty-five per cent of the company's net assets.

Fifth. In stocks of banks or trust companies whose stocks are worth a premium in the market; *provided*, that a fire insurance company shall have at all times at least fifty thousand dollars (\$50,000) invested under the first, second and third provisions before being permitted to invest under the fifth provision. There shall not be invested in such stocks, at any one time, more than fifteen per cent of the total assets of any such insurance company.

Capital stock may be increased; report to be made to commissioner; certificate of increase to be filed with secretary of state.

Section 29 is amended to read as follows: Any such company having a paid-up capital, as required by law, may increase its capital stock by a vote of its stockholders, and issue certificates for the additional shares, which may be paid for in cash, or in such installments as the company may determine. Such certificates shall show on their face the amount actually paid (unless paid in full), and no capital shall be advertised except the amount actually paid. The company shall, within thirty days after authorizing such increase of capital, report the fact to the insurance commissioner, setting forth the amount of such increase and the amount of same to be paid in cash. If the commissioner finds that the facts conform to the law, he shall endorse his approval thereon; and upon filing such certificate, so indorsed, with the secretary of state, and the payment of a fee of five dollars (\$5) for filing and recording the same, the company may continue to dispose of such authorized increase as has not been disposed of, and to transact business upon the capital as thus increased. As soon as the whole of such authorized increase has been placed or disposed of, the company shall report the fact to the insurance commission, and if not disposed of in six months from the date of the first report, herein required, a report shall then be made of the transactions to that date.

SEC. 2. This act shall take effect and be in force from the date of its passage.

Approved March 22, 1904.

CHAPTER 81.

H. B. No. 348.

AN ACT requiring life insurance companies doing business in the state of Mississippi to deliver with the policy, certificate or contract of insurance a copy of the application, and providing penalty for default, and also providing that misstatements of age shall not invalidate the contract of life insurance.

Life companies—application of insured to be filed with policy of insurance.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that all life insurance companies doing business in the state of Mississippi shall deliver to the insured with the policy, certificate or contract of insurance in any form a copy of the insured's application, and in default thereof said life insurance company shall not be permitted in any court of this state to deny that any of the statements in said application are true.

Misstatement of age not to invalidate policy.

SEC. 2. That any misstatement of age, in any policy, certificate, or contract of life insurance in any form, shall not invalidate said policy, certificate or contract of life insurance, but in such a case when a loss occurs the beneficiaries shall recover on said policy, certificate or contract of insurance such an amount of insurance as the premiums paid would have purchased for the insured at his actual age, reckoning according to the rate tables of said insurance company.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 82.

S. B. No. 267.

AN ACT to repeal sections 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, and 456 of the code of 1892, and all acts amendatory thereto, and all acts revising districts or setting the time for holding of any chancery court in this state, or fixing the number of days same is to be held, and to redistrict the state into eight chancery court districts, and to fix the time for holding a chancery court in the several counties constituting said district and fixing the number of days of said court to be held in each of said counties, and for other purposes.

Redistricting chancery court districts; new district added.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that sections 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, and 456 of the annotated code of 1892 and all acts amendatory thereto, and all acts revising chancery court districts, or setting the times for holding of any chan-

every court in this state, or fixing the number of days same is to be held, be, and the same are hereby, repealed, and in the place of same the following act is adopted, which shall supersede all law now in force in relation to the above sections of the code specified, and all the acts now in force in relation to the subjects above named.

SEC. 2. The state is divided into eight chancery court districts, severally composed of the counties as follows, to wit:

Counties composing chancery court districts.

SEC. 3. *For the first district.*—The counties of Oktibbeha, Monroe, Lee, Pontotoc, Webster, Prentiss, Alcorn, Itawamba, Clay, Chickasaw, Tishomingo and Union.

SEC. 4. *For the eighth district.*—The counties of Hancock, Harrison, Jackson, Wayne, Greene, Perry, Marion, Covington, and Pearl River.

SEC. 5. *For the third district.*—The counties of Montgomery, DeSoto, Panola, Tate, Yalobusha, Benton, Grenada, Tippah, Marshall, Calhoun, and Lafayette.

SEC. 6. *For the fourth district.*—The counties of Franklin, Amite, Warren, Adams, Sharkey, Claiborne, Jefferson, Wilkinson, and Pike.

SEC. 7. *For the fifth district.*—The counties of Copiah, Hinds, Lincoln, Yazoo, Lawrence and Madison.

SEC. 8. *For the sixth district.*—The counties of Attala, Carroll, Choctaw, Holmes, Kemper, Leake, Lowndes, Neshoba, Noxubee, and Winston.

SEC. 9. *For the seventh district.*—The counties of Bolivar, Coahoma, Washington, Leflore, Tallahatchie, Quitman, Tunica, Sunflower, and Issaquena.

SEC. 10. *For the second district.*—The counties of Lauderdale, Newton, Scott, Rankin, Smith, Jasper, Clark, Simpson, and Jones.

Terms of court; when held.

SEC. 11. *Terms of court.*—A court to be styled “The chancery court of the county of” shall be held in each county twice in each year, and shall commence at the times and continue for the number of days specified, if business shall require, viz.:

First chancery court district.

SEC. 12. *For the first district.*—In the county of Oktibbeha, on the second Monday of February and August, six days.

In the county of Lee, on the third Monday of March and September, six days.

In the county of Pontotoc, on the first Monday of March and September, six days.

In the county of Webster, on the first Monday of April and October, six days.

In the county of Prentiss, on the second Monday of April and October, six days.

In the county of Alcorn, on the third Monday of April and October, six days.

In the county of Itawamba, on the fourth Monday of March and September, six days.

In the county of Monroe, on the second Monday of June and December, twelve days.

In the county of Clay, on the first Monday in May and November, twelve days.

In the county of Chickasaw, first district, on the fourth Monday of May and November, six days.

In the county of Chickasaw, second district, on the third Monday of May and November, six days.

In the county of Tishomingo, on the first Monday of June and December, six days.

In the county of Union, on the fourth Monday of April and October, six days.

Eighth chancery court district.

SEC. 13. *For the eighth district.*—In the county of Jackson, on the third Monday of March and September, twelve days.

In the county of Harrison, on the first Monday of April and October, eighteen days.

In the county of Hancock, on the fourth Monday of April and October, six days.

In the county of Marion, first district, on the first Monday of March and September, twelve days.

In the county of Marion, second district, on the third Monday of May and November, six days.

In the county of Pearl River, on the third Monday of February and August, six days.

In the county of Perry, first district, on the fourth Monday of January and July, six days.

In the county of Perry, second district, on the first Monday of June and December, twelve days.

In the county of Greene, on the first Monday of January and July, six days.

In the county of Wayne, on the fourth Monday of May and November, six days.

In the county of Covington, on the first Monday of May and November, twelve days.

Third chancery court district.

SEC. 14. *For the third district.*—In the county of Panola, first district, on the third Monday of February and August, six days.

In the county of Panola, second district, on the fourth Monday of February and August, six days.

In the county of DeSoto, on the first Monday of March and September, six days.

In the county of Tate, on the second Monday of March and September, six days.

In the county of Tippah, on the third Monday of March and September, six days.

In the county of Benton, on the second Monday of April and October, six days.

In the county of Grenada, on the third Monday of April and October, six days.

In the county of Calhoun, on the first Monday of May and November, six days.

In the county of Marshall, on the second Monday of May and November, six days.

In the county of Yalobusha, first district, on the first Monday of May and November, six days.

In the county of Yalobusha, second district, on the first Monday of June and December, six days.

In the county of Lafayette, on the fourth Monday of May and November, six days.

In the county of Montgomery, on the second Monday of June and November, six days.

Fourth chancery court district.

SEC. 15. *For the fourth district.*—In the county of Franklin, on the second Monday of January and July, six days.

In the county of Amite, on the third Monday of January and July, six days.

In the county of Adams, on the first Monday of February and October, eighteen days.

In the county of Warren, on the first Monday of March, eighteen days, and the first Monday of September, thirty days.

In the county of Sharkey, on the fourth Monday of January and July, six days.

In the county of Claiborne, on the third Monday of April and first Monday of November, twelve days.

In the county of Jefferson, on the third Monday of May and December, six days.

In the county of Wilkinson, on the second Monday of May and December, twelve days.

In the county of Pike, on the fourth Monday of May and the third Monday of November, twelve days.

Fifth chancery court district.

SEC. 16. *For the fifth district.*—In the county of Hinds, first district, on the first Monday of January and June, eighteen days.

In the county of Hinds, second district, on the first Monday of May and November, six days.

In the county of Yazoo, on the fourth Monday of January and June, twelve days.

In the county of Copiah, on the first Monday of April and October, twelve days.

In the county of Lincoln, on the third Monday of April and October, twelve days.

In the county of Madison, on the third Monday of May and November, twelve days.

In the county of Lawrence, on the second Monday of May and November, six days.

Sixth chancery court district.

SEC. 17. *For the sixth district.*—In the county of Attala, on the first Monday of February and August, six days.

In the county of Carroll, first district, on the second Monday of January and June, six days.

In the county of Carroll, second district, on the third Monday of January and June, six days.

In the county of Holmes, on the fourth Monday of May and November, six days.

In the county of Choctaw, first district, on the third Monday of March and September, three days.

In the county of Choctaw, second district, on Thursday after the third Monday of March and September, three days.

In the county of Winston, on the fourth Monday of March and second Monday of September, six days.

In the county of Lowndes, on the first Monday of April and October, eighteen days.

In the county of Noxubee, on the fourth Monday of April and October, twelve days.

In the county of Leake, on the third Monday of February and August, six days.

In the county of Neshoba, on the second Monday of May and November, six days.

In the county of Kemper, on the second Monday of February and second Monday of August, six days.

Seventh chancery court district.

SEC. 18. *For the seventh district.*—In the county of Coahoma, first district, on the second Monday of February and September, six days.

In the county of Coahoma, second district, on the third Monday of February and September, six days.

In the county of Bolivar, first district, third Monday of May and December, six days.

In the county of Bolivar, second district, on the first Monday of June and January, six days.

In the county of Issaquena, on the first Monday of May and December, six days.

In the county of Leflore, on the first Monday of April and November, six days.

In the county of Quitman, on the third Monday of April and November, six days.

In the county of Sunflower, on the second Monday of May and December, six days.

In the county of Tallahatchie, first district, fourth Monday of February and September, six days.

In the county of Tallahatchie, second district, on the second Monday of April and November, six days.

In the county of Tunica, on the fourth Monday of April and November, six days.

In the county of Washington, on the first Monday of March and October, twenty-four days.

Second chancery court district.

SEC. 19. *For the second district.*—In the county of Jasper, on the second Monday of January and July, six days.

In the county of Smith, on the second Monday of March and September, six days.

In the county of Scott, on the third Monday of March and September, six days.

In the county of Rankin, on the fourth Monday of March and September, six days.

In the county of Simpson, on the first Monday of April and October, twelve days.

In the county of Clarke, on the third Monday of April and October, twelve days.

In the county of Lauderdale, on the first Monday of May and November, twenty-four days.

In the county of Newton, on the first Monday of June and December, twelve days.

In the county of Jones, on the third Monday of June and December, twelve days.

Chancellor to be appointed from each district; vacancy to be filled by Governor.

SEC. 20. A chancellor shall be appointed for and from each of said districts, and when any new district is created by this act the chancellor residing in the district created shall hold the courts in the counties embraced in the district of his residence. In case there be no chancellor residing in the district created or changed, then the vacancy shall be filled under the general law on the subject.

SEC. 21. That this act take effect and be in force ninety days after its passage.

Approved March 19, 1904.

CHAPTER 83.

S. B. No. 351.

AN ACT to repeal sections 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, and 628 of the code of 1892, and all acts amendatory thereto, and all acts creating or revising or setting times for holding of any circuit court in this state or fixing the number of days same is to be held, and redistricting the state into circuit court districts, and fixing the time and number of days said court is to be held in the several counties of the state.

Redistricting circuit court districts.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that sections 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, of the code of 1892, and all acts amendatory thereto, and all acts creating and revising, or setting the times for holding of any circuit court in this state, or fixing the number of days same is to be held, be, and the same are hereby repealed, and in the place of same the following act is adopted, which shall supersede all law now in force in relation to the above sections of the code specified, and all the acts now in force in relation to the subjects above named.

Counties composing circuit court districts.

SEC. 2. The state is divided into eleven circuit court districts, severally composed of the counties following, to wit:

SEC. 3. *First District*.—Alcorn, Chickasaw, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Pontotoc, Prentiss, and Tishomingo.

SEC. 4. *Second District*.—Greene, Hancock, Harrison, Jackson, Pearl River, Perry, Marion, and Wayne.

SEC. 5. *Third District*.—Benton, DeSoto, Lafayette, Marshall, Panola, Tate, Tippah, and Union.

SEC. 6. *Fourth District*.—Bolivar, Leflore, Sunflower, Washington, and Holmes.

SEC. 7. *Fifth District*.—Attala, Calhoun, Choctaw, Clay, Carroll, Grenada, Montgomery and Webster.

SEC. 8. *Sixth District*.—Adams, Amite, Franklin, Jefferson, Pike, Wilkinson, and Lincoln.

SEC. 9. *Seventh District*.—Hinds, Yazoo, Madison, and Copiah.

SEC. 10. *Eighth District*.—Leake, Newton, Rankin, Scott, Smith, Simpson, Covington, Jones, and Lawrence.

SEC. 11. *Ninth District*.—Claiborne, Issaquena, Sharkey, and Warren.

SEC. 12. *Tenth District*.—Kemper, Lauderdale, Neshoba, Noxubee, Winston, Jasper, and Clarke.

SEC. 13. *Eleventh District*.—Coahoma, Quitman, Tallahatchie, Tunica, and Yalobusha.

Terms of court; when held.

SEC. 14. *The terms of court*.—A circuit court, to be styled “the circuit court of the county of,” shall be held in

each county twice in each year, and as much oftener as this act shall require, and shall commence at the time and continue for the number of days specified, if the business shall require, viz.:

First circuit court district.

SEC. 15. *For the first district.*—In the county of Tishomingo, on the second Monday of January and the second Monday of July, six days.

In the county of Alcorn, on the third Monday of January and the third Monday of July, twelve days.

In the county of Prentiss, on the first Monday of February and the first Monday of August, twelve days.

In the county of Lee, on the third Monday of February and the third Monday of August, twelve days.

In the county of Itawamba, on the first Monday of March and the first Monday of September, six days.

In the county of Monroe, on the second Monday of March and the second Monday of September, eighteen days.

In the county of Chickasaw, first district, on the first Monday of April and the first Monday of October, twelve days.

In the county of Chickasaw, second district, on the third Monday of April and the third Monday of October, twelve days.

In the county of Oktibbeha, on the first Monday of May and the first Monday of November, twelve days.

In the county of Lowndes, on the third Monday of May and the third Monday of November, eighteen days.

In the county of Pontotoc, on the second Monday of June and the second Monday of December, twelve days.

Second circuit court district.

SEC. 16. *For the second district.*—In the county of Greene, on the first Monday of March and the first Monday of September, twelve days.

In the county of Hancock, on the second Monday of June and the second Monday of December, twelve days.

In the county of Harrison, three terms, as follows: On the fourth Monday of January, for civil business exclusively, eighteen days.

In the county of Harrison, on the fourth Monday of May and the fourth Monday of November, twelve days.

In the county of Jackson, three terms, as follows: On the fourth Monday of February, for civil business only, six days; and the second Monday of May and the second Monday of November, twelve days.

In the county of Pearl River, on the third Monday of April and the third Monday of October, six days.

In the county of Marion, first district, three terms, as follows: On the second Monday of January and the fourth Monday of July, twelve days, and the second Monday of April, six days, the third April term being for civil business exclusively, when no grand jury shall be drawn or impaneled for said term.

In the county of Marion, second district, on the first Monday of April, six days, and the first Monday of October, twelve days.

In the county of Wayne, on the first Monday of January and the fourth Monday of June, six days.

In the county of Perry, first district, on the third Monday of March and the third Monday of September, twelve days.

In the county of Perry, second district, three terms, as follows : On the fourth Monday of April and the fourth Monday of October, twelve days, and the first Monday of July, eighteen days, the July term being for civil business exclusively.

Third circuit court district.

SEC. 17. *For the third district.*—In the county of Benton, on the second Monday of February and the second Monday of August, twelve days.

In the county of DeSoto, on the second Monday of May and the second Monday of November, twelve days.

In the county of Lafayette, on the second Monday of March and the second Monday of September, twelve days.

In the county of Marshall, on the fourth Monday of February and the fourth Monday of August, twelve days.

In the county of Panola, first district, on the fourth Monday of March and fourth Monday of September, twelve days.

In the county of Panola, second district, on the second Monday of April and the second Monday of October, twelve days.

In the county of Tate, on the fourth Monday of April and the fourth Monday of October, twelve days.

In the county of Tippah, on the second Monday of January and the second Monday of July, twelve days.

In the county of Union, on the fourth Monday of January, and the fourth Monday of July, twelve days.

Fourth circuit court district.

SEC. 18. *For the fourth district.*—In the county of Bolivar, first district, on the third Monday of April and the third Monday of October, eighteen days.

In the county of Bolivar, second district, on the second Monday of May and the second Monday of November, eighteen days.

In the county of Leflore, on the third Monday of January and the second Monday of July, twenty-four days.

In the county of Washington, on the first Monday of June and the first Monday of December, for civil business, when a grand jury shall be summoned, eighteen days.

In the county of Washington, for criminal business, when the grand jury need not be summoned, on the first Monday of January and the fourth Monday of June, twelve days.

In the county of Holmes, on the fourth Monday of March and the fourth Monday of September, eighteen days.

In the county of Sunflower, on the first Monday of March and the first Monday of September, eighteen days.

Fifth circuit court district.

SEC. 19. *For the fifth district.*—In the county of Attala, on the first Monday of March and the first Monday of September, eighteen days.

In the county of Calhoun, on the fourth Monday of March and the fourth Monday of September, twelve days.

In the county of Choctaw, first district, on the second Monday of February and the second Monday of August, six days.

In the county of Choctaw, second district, on the third Monday of February and the third Monday of August, twelve days.

In the county of Clay, on the second Monday of January and the second Monday of July, twelve days.

In the county of Carroll, first district, on the fourth Monday of April and the fourth Monday of October, twelve days.

In the county of Carroll, second district, on the second Monday of May and the second Monday of November, twelve days.

In the county of Grenada, on the fourth Monday of January and the fourth Monday of July, twelve days.

In the county of Montgomery, on the second Monday of April and the second Monday of October, twelve days.

In the county of Webster, on the fourth Monday of May and the fourth Monday of November, twelve days.

Sixth circuit court district.

SEC. 20. *For the sixth district.*—In the county of Adams, on the third Monday of April and the third Monday of October, eighteen days.

In the county of Amite, on the first Monday of April and the first Monday of October, twelve days.

In the county of Jefferson, on the third Monday of February and the third Monday of August, twelve days.

In the county of Pike, on the first Monday of March and the first Monday of September, twenty-four days.

In the county of Wilkinson, on the first Monday of February and on the first Monday of August, twelve days.

In the county of Lincoln, on the fourth Monday of May, eighteen days, and the fourth Monday of November, twenty-four days.

In the county of Franklin, on the second Monday of May and the second Monday of November, twelve days.

Seventh circuit court district.

SEC. 21. *For the seventh district.*—In the county of Hinds, first district, on the first Monday of March and the first Monday of September, forty-two days.

In the county of Hinds, second district, on the second Monday of February and the second Monday of July, twelve days.

In the county of Yazoo, on the fourth Monday of April, and the fourth Monday of October, twenty-four days.

In the county of Madison, on the second Monday of January and the first Monday of August, eighteen days.

In the county of Copiah, on the fourth Monday of May and the fourth Monday of November, eighteen days.

Eighth circuit court district.

SEC. 22. *For the eighth district.*—In the county of Leake, on the third Monday of May and the third Monday of November, six days.

In the county of Newton, on the fourth Monday of January and the fourth Monday of July, twelve days.

In the county of Rankin, on the fourth Monday of May and the fourth Monday of November, eighteen days.

In the county of Scott, on the second Monday of February and the second Monday of August, six days.

In the county of Smith, on the second Monday of March and the second Monday of September, twelve days.

In the county of Simpson, on the third Monday of April and the third Monday of October, twelve days.

In the county of Covington, on the first Monday of January and the first Monday of July, eighteen days.

In the county of Jones, on the third Monday of February and the third Monday of August, eighteen days.

In the county of Lawrence, on the first Monday of April and the first Monday of October, twelve days.

Ninth circuit court district.

SEC. 23. *For the ninth district.*—In the county of Claiborne, on the first Monday of January and the third Monday of June, twelve days.

In the county of Issaquena, on the first Monday of March and the first Monday of October, six days.

In the county of Sharkey, on the second Monday of March and the second Monday of October, twelve days.

In the county of Warren, for civil business, on the third Monday of January, thirty-six days; and on the fourth Monday of April, forty-eight days; and on the fourth Monday of October, thirty-six days.

In the county of Warren, for criminal business, on the fourth Monday of March, twenty-four days; and on the first Monday of July, eighteen days; and on the first Monday of December, eighteen days.

Tenth circuit court district.

SEC. 24. *For the tenth district.*—In the county of Kemper, on the third Monday of March and the first Monday of November, twelve days.

In the county of Lauderdale, on the first Monday of January, twelve days; and on the first Monday of April, for civil business exclusively, twenty-four days; and on the fourth Monday of June, for criminal business exclusively, eighteen days; on the first Monday of October, twenty-four days. No grand jury shall be drawn or im-

paneled at and for the April and October terms, but criminal cases may be tried at the October term.

In the county of Neshoba, on the fourth Monday of January and the first Monday of August, twelve days.

In the county of Noxubee, on the second Monday of February and the third Monday of August, eighteen days.

In the county of Winston, on the third Monday of January, six days, and on the third Monday of July, twelve days.

In the county of Clarke, on the first Monday of March and the second Monday of September, twelve days.

In the county of Jasper, on the first Monday of May and the third Monday of November, twelve days.

Eleventh circuit court district.

SEC. 25. *For the eleventh district.*—In the county of Coahoma, first district, on the second Monday of April and the second Monday of October, twelve days.

In the county of Coahoma, second district, on the fourth Monday of April and the fourth Monday of October, twenty-four days.

In the county of Quitman, on the fourth Monday of March and the fourth Monday of September, twelve days.

In the county of Tallahatchie, first district, on the fourth Monday of May and the fourth Monday of November, twelve days.

In the county of Tallahatchie, second district, on the second Monday of February and the second Monday of July, eighteen days.

In the county of Tunica, on the second Monday of March and the second Monday of September, twelve days.

In the county of Yalobusha, first district, on the second Monday of January and the second Monday of June, twelve days.

In the county of Yalobusha, second district, on the fourth Monday of January and the fourth Monday of June, twelve days.

Time may be allotted by court or judge for civil and criminal business.

SEC. 26. In any county where it shall be necessary, in the discretion of the court or judge, the court or judge may designate a certain portion of the time allotted for the holding of court exclusively to the civil business, and a certain portion of the time exclusively to the hearing of criminal cases, and in cases where the court or judge does this the court or judge shall so allot the time as to meet the necessities of the criminal and the civil business, and in all cases where it is practicable so to do, the court or judge shall separate the civil and criminal business, so that certain time shall be devoted to each, except as hereinbefore provided.

District attorney to attend court in district of his residence; how vacancy filled where no resident judge in district changed.

The district attorneys shall attend and hold the courts in the counties embraced in the district of his residence. In case there be no judge or district attorney residing in the district changed, then the vacancy shall be filled under the general law under the subject; *provided*, nothing in this act shall have the effect of inter-

fering with any court now in session, but the same shall be held until the expiration of the term as now provided by law, or for such portion of said term as the business of the court may require.

SEC. 27. That this act be in force from and after the date of its passage.

Approved March 22, 1904.

CHAPTER 84.

S. B. No. 36.

AN ACT to provide for the establishment of a permanent branch agricultural station in the northwestern part of the state.

Branch agricultural station in northwestern part of state.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of trustees of the Mississippi Agricultural and Mechanical College, located near Starkville, are hereby authorized to establish a branch agricultural experiment station at some point in the northwestern part of the state, where experiments with the soils of the hill portion of the northwestern part of the state can be made. The said board of trustees are authorized to accept donations of land, lumber, agricultural implements, money, notes or other obligations or any property that may be of use in establishing and operating said experiment station.

Donations of land and timber for same.

SEC. 2. The station herein provided for shall be on a tract of land not less than two hundred acres, and shall be located where suitable land is donated and conveyed to the trustees of said college for that purpose; and, if lands in excess of two hundred acres are donated, the said board of trustees may, in their discretion, sell the same and apply the proceeds to the improvement of the land retained and used for said experiment station.

Considerations to govern in selecting site.

SEC. 3. In locating said station the said trustees shall consider the natural advantages, the health, and conveniences to a shipping point, and the amount proposed to be donated by any locality, and all other matters that may be of material advantage in the working of the same.

SEC. 4. That this act take effect and be in force from and after its passage.

Approved February 25, 1904.

CHAPTER 85.

S. B. No. 22.

AN ACT to provide for the establishment of a permanent branch agricultural experiment station in the Yazoo and Mississippi delta, or contiguous to the delta.

Agricultural experiment station to be located in Yazoo-Mississippi delta.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of trustees of the Mississippi Agricultural and Mechanical College, located near Starkville, are hereby authorized to establish a branch agricultural station at some point in the state in what is known as the Yazoo and Mississippi delta, or in some county adjoining said delta at a point where experiments with the soil of the hills as well as the delta can be made. The said board of trustees are authorized to accept donations of lands, lumber, agricultural implements, money, notes, or other obligations, or any property that may be of use in establishing and operating said experiment station.

Donations of land and timber accepted.

SEC. 2. The station herein provided for shall be on a tract of land of not less than two hundred acres, and shall be located where suitable land is donated and conveyed to the trustees for that purpose, and if lands in excess of two hundred acres are donated, the said board of trustees may, in their discretion, sell the same and apply the proceeds to the improvement of the land retained and used for said experiment station.

How site to be selected.

SEC. 3. In locating said station, the said trustees shall consider the natural advantages, the health and conveniences to a shipping point, and the amount proposed to be donated by any locality and all other matters that may be of material advantage in the working of the same.

SEC. 4. That this act take effect and be in force from and after its passage.

Approved February 20, 1904.

CHAPTER 86.

S. B. No. 31.

AN ACT to create a text-book commission and to procure for use in the public schools of this state a uniform system or series of text-books; to define the duties and powers of said commission and other officers; to provide punishment and penalties for the violation of this act.

Commission to select a uniform series of text-books; qualifications of its members.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the governor shall select and appoint eight educators of known character and ability in their profession, and engaged in public school work as teachers, not more than one to be selected from each congressional district, who, together with the state superintendent of education, shall constitute the text-book commission of Mississippi. The state superintendent of education shall be an *ex officio* member of said commission, and in no case shall the person selected be related to the *ex officio* member by affinity or consanguinity.

Books selected to be used for five years; branches of study prescribed; not to be partisan or sectarian.

It shall be the duty of the said commission to select and adopt a uniform system or series of text-books for use in the public schools of the state. Said commission is hereby authorized, empowered, and directed to select and adopt said uniform series of text-books for use in the public schools of the state, and when so selected, said books shall be used for a period of five years in all the public schools of the state, and it shall be unlawful for any teacher of any public school in this state to use any book or books upon the same branch other than those adopted by said text-book commission, except as hereinafter provided. Said uniform series shall include the following branches of study, to wit: orthography, reading, writing, intellectual arithmetic, practical arithmetic, geography, English grammar, composition, history of the United States, physiology, civil government, elements of agriculture, and history of the state of Mississippi; that no history in relation to the late civil war between the states shall be used in the schools in this state unless it be fair and impartial, and such other branches of school books as may be added to the above curriculum by statute. *Provided*, that none of said text-books so selected or adopted shall contain anything of a partisan or sectarian character; and *provided further*, that all text-books adopted for use in the public schools of the state shall be printed in English, except such books as shall be adopted as text-books in the study of a foreign language.

Members to be sworn; must not be directly or indirectly interested in contracts.

Before transacting any business relating to the duties incumbent of the said commission, the members thereof shall each take and

subscribe an oath to faithfully discharge all the duties devolving upon them as members of said commission; that he has no interest direct or indirect in any contract that may be made under this act; that he will receive no personal benefit or profit therefrom; that he is not in any manner interested in any books or publishing concern publishing any books of the kind contemplated for use in the public schools of this or any other state; that he will carefully, faithfully, and conscientiously examine all books submitted for inspection, and will, to the best of his knowledge and ability, make the best selection possible of any and all books to be used in the public schools of the state.

Separate school districts may adopt supplemental books.

The trustees of any separate school district may select such other supplemental books in addition to the books selected and adopted by the school book commission, for use in such separate school districts, and the trustees of the separate school district may raise the curriculum above that which may be prescribed by law or act of the school book commission.

How choice of books made; considerations to govern; superior merit as against price.

SEC. 2. That the said text-book commission shall, in making up their choice for books to be used, take into consideration the merit of each book as to the subject-matter, the printing, binding, material, mechanical qualities, and general suitability for the purpose intended, as well as the price of said books. Said commission shall select and adopt such books as will, in their best judgment, accomplish the ends desired, and they are hereby authorized, empowered, and directed in case they deem any of the books suitable and more desirable than other books of the same class submitted, but the price is unreasonably high, and that they should be offered at a lower price, they may use their discretion and judgment whether they shall adopt said book or books, or adopt the books next best in the list of books submitted.

When commission to meet and organize; to advertise for bids.

SEC. 3. That the said text-book commission shall immediately after their selection meet and organize, and a majority of said commission shall constitute a quorum for the transaction of business. As soon as the commission shall organize it shall advertise in such a manner and at such places as is deemed desirable, that at a time and place fixed definitely in said advertisement, sealed bids will be received from the publishers of school text-books for furnishing books as provided in this act to the public schools of the state of Mississippi, through agencies established by said publishers in the several counties in the state, for a period of five years from the date and execution of the contract. The bids or proposals shall be for furnishing the books for a period of five years and no longer.

What bids shall specify; to be accompanied by specimen copies; bidders to put up forfeits; opening of bids.

Said bids shall state definitely the price at which the books will sell at wholesale and retail, and shall be accompanied by one or more specimen copies of each and every book to be furnished; it shall be required of each bidder to deposit with the state treasurer such a sum of money as the commission may require, according to the number of books each bidder may propose to furnish, and notice shall be further given in said advertisement that such deposit shall be forfeited to the state if the bidder making the deposit shall fail or refuse to make and execute such contract and bond as is hereafter required, the time to be fixed by the commission and so stated in such advertisement. All bids shall be sealed and deposited with the secretary of the commission, to be delivered by him to the commission when it meets for the purpose of considering said bids, and shall be opened by the secretary in the presence of the commission.

Bids to be opened and considered in executive session; attorney-general to draw up contracts; governor and secretary of state to execute same in triplicate; contractors to make bond; may be made in guarantee company.

SEC. 4. That it shall be the duty of the commission at the time and place designated in the said advertisement in executive session to open and examine all sealed proposals submitted and received in pursuance of the notice or advertisement as hereinbefore provided in this act; to examine and carefully consider all such bids or proposals and determine in the manner provided for what book or books shall be adopted, taking into consideration the size, quality as to subject-matter, material, printing, binding, and the mechanical execution and the price and general suitability for the purpose desired and intended. After their selection shall have been made, the commission shall, by registered letter, notify the publishers to whom the contracts have been awarded, and it shall be the duty of the attorney-general to prepare said contract or contracts in accordance with the terms and provisions of this act, and all contracts shall be executed by the governor and secretary of state, with the seal of the state affixed thereto on the part of the state of Mississippi, and the said contracts shall be executed in triplicate, one copy to be kept by the contractor, one copy by the secretary of the commission, and copied in full in the minute book of the commission, and one copy to be filed in the office of the secretary of state. At the time of the execution of the aforesaid contract, the contractors shall enter into bond in the sum of not less than ten thousand dollars (\$10,000), payable to the state of Mississippi, conditioned for the faithful, honest, and exact performance of all the terms of said contract, together with the payment of reasonable attorney's fees in case of recovery in any suit upon the same, to be approved by the governor and attorney-general. Any guarantee company authorized to do business in the state of Mississippi may become surety on said bond, and there shall be five or more sureties on the said bond who are citizens of this state and residents of

different counties therein, and in the event suit is brought on said bond in any of the state courts, and the defendants, or any of them, have the case removed or attempt to have the case removed to the federal court, the said school book commission may immediately cancel the contract and continue the suits on the bond, and it shall be the duty of the attorney-general to so write it in the contract. And it shall be the duty of the attorney-general to prepare said bonds and approve same; *provided*, that said bond shall not be exhausted by a single recovery, but may be sued on from time to time until the full amount thereof shall have been recovered, and the commission may, at any time, by giving due notice thereof, require additional security, if, in their judgment, it is necessary.

Forfeit money returned to unsuccessful bidders; contract must be executed within thirty days.

When any firm or corporation shall have been awarded a contract and submitted therewith the bond as required, the commission shall inform the treasurer of the state, and it shall then be his duty to return to such contractor the cash deposit made by him, and the commission shall furnish the treasurer the names of the unsuccessful bidders, when he shall return to them the amount deposited by them at the time of the submission of their bid, but should any firm, person, or corporation fail or refuse to execute the contract and submit the bond as required by this act within thirty days after the awarding of the contract to him, and the mailing of the registered letter containing the notice, the said cash deposit will be deemed and is hereby declared forfeited to the state, and it shall be the duty of the treasurer to place said deposit in the treasury of the state to the credit of the general school fund; and, *provided further*, that any recovery on the bond of any contractor shall be placed to the credit of said fund, and be pro rated among the several counties of the state.

Books furnished to be equal to specimen copies; superintendent of education to preserve samples; price to be printed or stamped on books; contract price; maximum; prices in other states to govern; suit for breach of contract.

SEC. 5. That the books furnished under any contract shall at all times during the existence of the contract be equal to, in all respects, the specimen or sample copies furnished with bids; and it shall be the duty of the state superintendent of education to preserve in his office as the standard of quality and excellence to be maintained in such books during the continuance of said contract, sample copies of all books which have been the basis of any contract, together with the original bid, and the contractor shall furnish like samples or specimen copies of books to the different county superintendents of education, which shall be preserved by them in like manner, and the same shall always be open to inspection by the public. The retail price and the exchange price of each book adopted shall be either printed on the back or indelibly stamped on the first page. And the commission shall not in any case con-

tract with any person or publisher for books to be used in the public schools of the state at a price above or in excess of the price at which such book or books are furnished by said person or publisher to any state, county, or school district in the United States under like condition prevailing in the state and under this act, as to the method of distributing the books to the consumer. And it shall be stipulated in each contract that the contractor is not now furnishing under contract any state, county or school district in the United States where like conditions as are now prevailing in this state and under this act, as to the method of distributing the books to the consumers, the same book or books at a price less than the price stipulated in the said contract, and the commission is hereby authorized and directed, at any time that they may find that any book is being furnished at a lower price under contract to any state, county, or school district as aforesaid, to sue upon the bond of said contractor for the recovery of the difference between the contract price and the lower price at which they find the book or books have been sold, and should any contractor fail to execute the terms and provisions of his contract specifically, said commission is hereby authorized, empowered and directed to bring suit in the name of the state of Mississippi upon the bond of such contractor for the recovery of all damages for the benefit of the public school fund, but nothing in this act shall be construed so as to prevent said commission and any contractor from agreeing in any manner to change, alter or amend any contract, provided eight members of said commission shall agree and think it advisable and for the best interests of the public schools of the state to make such change, alteration or amendment.

State not liable to any contractor.

SEC. 6. That it shall be always a part of the terms and conditions of every contract made in pursuance of this act that the state of Mississippi shall not be liable to any contractor, in any manner, for any sum whatsoever, but all such contractors shall receive their pay and compensation solely and exclusively from the proceeds of the sale of books as provided for in this act.

Bids may be rejected; commission may readvertise; who may bid on contract for books.

SEC. 7. That the said text-book commission shall have and reserve the right to reject any and all bids or proposals if they shall be of the opinion that same should be rejected. And in case they fail to select or adopt any book or books upon any of the branches mentioned in a previous section of this act from among the bids or proposals submitted, they may re-advertise for sealed bids or proposals under the same terms or conditions as before, and proceed in their investigation in all respects as they did in the first instance and as required in the terms and provisions of this act. And it is provided further that any person, firm or corporation now doing business or proposing to do business in the state of Mississippi shall have the right to bid for the contract to be awarded

under this act, and may submit in writing bid or bids to edit or have edited, published and supply for use in the public schools in this state any book or books herein provided for, or they may submit books the equal of which in every way they propose to furnish, and they shall accompany their bid with the cash deposit, and execute a contract and bond and be subject to the same conditions and restrictions as hereinbefore provided.

Contractor to establish book depositories; two or more agencies in each county.

SEC. 8. That the successful bidder or contractor shall establish and maintain one or more depositories in this state, to be designated by the commission, where a stock or supply of the books sufficient to meet all the immediate demands shall be kept. There shall also be maintained in each county in this state two or more agencies for the distribution of the books contracted for, and that they shall sell to all persons desiring to purchase said books, to the patrons of the public schools, and the contractor may make arrangements with a bookseller or merchant to handle and distribute the books at the places specified for said distribution, provided that one of the distributing points shall be the county site or sites, where there are two, of the county. All books shall be sold to the consumer at the retail contract price, and in each book shall be printed the following: "The price fixed hereon is by state contract, and any excess thereon should be reported to the county superintendent or to the state superintendent of education at Jackson, Mississippi."

Damages for failure to meet demand for books.

And it is expressly provided that should any contractor fail to furnish the books sufficient to meet the demand and at the prices designated, or otherwise fail to comply with the contract, in addition to the right of the state to sue on the bond as hereinbefore required, the county superintendent of education in any county of the state where such breach of contract may be made, may bring suit for damages in the name of the state of Mississippi in the proper court of the county wherein he resides, for the use and benefit of the school fund of the county, and in all cases arising under this act, service of process may be had and deemed sufficient on any agent of the contractor in this state.

Commission to enforce provisions of this act.

SEC. 9. That said commission may make any necessary regulations not contrary to the provisions of this act to secure the prompt distribution of the books herein provided for, and the prompt and faithful execution of all contracts under this act, and it is expressly provided that said commission shall maintain its organization during the five years of the continuance of this contract.

State superintendent to notify county superintendents.

SEC. 10. That as soon as practicable after the adoption provided for in this act, the state superintendent shall issue a circular letter to each of the county superintendents of education in this

state, and to such teachers and other persons as he may desire, stating the list of books adopted, the prices, location of agencies, and such other information as he may deem necessary.

Books adopted to supplant all others; exceptions.

SEC. 11. That the books adopted as a uniform series of text-books shall be introduced and used as text-books to the exclusion of all others in the public schools of this state, beginning with the public school term of the year 1905-1906, and continue to be used for five years as said text-books, except as herein provided for the change of said books as the commission may deem advisable for the best interests of the public schools of this state; *provided*, that nothing in this act shall be construed to prevent the use of supplementary books, but such supplementary books shall not be used to the exclusion of the books adopted under the provisions of this act; *provided further*, that nothing in this act shall prevent the teaching in any of the public schools of this state any branch higher or more advanced than is embraced in any previous section of this act, nor the using of any books upon such higher branch of study; *provided*, that such branch shall not be taught to the exclusion of the branches mentioned and set forth in this act.

Penalty for violating provisions of this act.

SEC. 12. That any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, be punished by a fine of not less than ten dollars (\$10) nor more than fifty dollars (\$50).

Penalty for teaching other books.

SEC. 13. That any teacher who shall use or permit to be used in his or her school any text-book upon the branches embraced in this act other than the ones adopted by said text-book commission upon said branch as hereinbefore provided, shall be guilty of a misdemeanor, and, upon conviction, shall be punished as provided for in section 12 of this act.

Penalty for demanding more than contract price.

SEC. 14. That if any local agent, clerk, dealer, or other person handling or selling the books adopted under the provisions of this act shall demand or receive in cash more than the contract price for any of the books herein provided for, he shall be guilty of a misdemeanor, and, upon conviction shall, for each offense, be punished by a fine of not less than fifty dollars (\$50) or more than five hundred dollars (\$500).

Commission to keep a journal of its proceedings.

SEC. 15. That the commission is required to keep a journal of its proceedings, which journal shall, at the close of each meeting, be signed by the president and secretary of the commission, and when the text-books shall have been adopted according to the provisions of this act, the journal shall be filed in the office of the secretary of state, and a separate journal shall be kept of subsequent

meetings, which journal shall be filed in the office of the secretary of state.

Commission cannot extend contract.

SEC. 16. That the commission provided for by section 1 of this act shall hold its office for five years from the date of the approval of this bill, and shall have no power to extend any contract made by them, but their successors, duly appointed and qualified as provided for by section 1 of this act, shall be authorized and directed to execute a new contract on the same terms and conditions as is provided by this act.

Members of commission not to accept employment or receive gifts or donations from book dealers; penalty.

SEC. 17. That it shall be unlawful for any member of the school book commission during the term of his appointment or office to accept or receive from any school book company, firm, corporation, or agent, any employment, retainer, compensation, reward, emolument, gift, or donation, directly or indirectly, except books actually submitted for inspection with the *bona fide* view of securing their adoption; and it shall be unlawful for any school book company, firm, corporation or agent to employ or retain or offer to employ or retain any member of such commission or to pay, or to offer to pay any compensation, reward, or emolument to any member of such commission, or to give or offer to give any donation to any member of such commission, except books or school apparatus actually submitted for inspection, with the *bona fide* view of securing their adoption.

Any violation of this section shall be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the penitentiary for not more than two years, or both.

Exchange price of books.

SEC. 18. That the exchange price between old books and new books of the same or similar grade shall be not more than fifty per centum of the retail contract price of such new books.

Compensation and mileage of commissioners.

SEC. 19. That the superintendent of public education shall serve on the commission without compensation, and the other members of the commission shall be paid the sum of five dollars (\$5) per day during the time they are actually employed, not to exceed thirty days, and, together with the superintendent of public education, shall receive ten (10) cents a mile for each mile actually traveled from their homes to the place of meeting and return, and all necessary expenses for advertising, to be paid out of the general school fund, and they shall each make and swear to a statement of the number of miles traveled, and the number of days actually employed.

When contract forfeited.

SEC. 20. That in case of the failure of any contractor to furnish the books provided for in his contract, then his bond shall be

declared forfeited, and the commission is authorized and empowered to make such other contract for the unexpired term with any person, firm or corporation to provide and furnish such books as they may deem advisable for the best interest of the state.

SEC. 21. That sections 4068, 4069, 4070, and 4071 of the annotated code of 1892 be and the same are hereby repealed.

When commissioners shall be disqualified to vote on contracts.

SEC. 22. That if any person related within the third degree by blood or marriage to any member of the school book commission or is associated in any business or partnership with any member of said commission, shall be employed in good faith by any school book company, firm, corporation or agent in connection with the adoption of school books in this state, the member of said commission so related by blood or marriage, or so associated in business with such person shall not vote for the adoption of any school book offered for adoption by such school book company, firm, corporation or agent.

SEC. 23. That this act shall take effect and be in force from and after its passage.

Approved March 19, 1904.

CHAPTER 87.

S. B. No. 56.

AN ACT to confer upon illegitimate children and to mothers of illegitimate children all the benefits, rights and remedies now conferred by law upon legitimates.

Disabilities of bastardy removed.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that all the provisions of chapter 65 of the acts of the legislature of 1898 concerning actions for injuries causing death shall apply to illegitimate children on account of the death of the mother, and to mothers of illegitimates on account of the death of an illegitimate child or children; and such children and mothers shall have all the benefits, rights and remedies conferred by said act upon legitimates.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 11, 1904.

CHAPTER 88.

S. B. No. 94.

AN ACT to make the first Monday in September a legal holiday.

First Monday in September declared a legal holiday.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the first Monday in September of each year, commonly known as labor day, shall be a legal holiday in this state.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 4, 1904.

CHAPTER 89.

S. B. No. 124.

AN ACT with reference to warehouse receipts and defining the liability of warehouse men thereunder.

Warehouse receipt made conclusive evidence of receipt of property.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that every warehouse receipt or other instrument in the nature or stead thereof acknowledging the receipt of property for storage or safekeeping shall be conclusive evidence in the hands of a *bona fide* holder for value, whether by assignment, pledge, or otherwise, as against the person or corporation issuing the same, that the property has been so received and shall entitle such *bona fide* holder for value, of such receipt, to a delivery of the property so stored or deposited, or to the value thereof.

SEC. 2. That this bill take effect and be in force from and after its passage.

Approved March 11, 1904.

CHAPTER 90.

S. B. No. 149.

AN ACT abolishing the office of cotton tax collector and regulating the duties and bonds of the employes of the board of Mississippi levee commissioners, and the times of meeting of said board, and providing penalties for evading the cotton tax and trespassing upon the property of said board.

Office of cotton tax collector abolished.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the office of cotton tax collector of the board of Mississippi levee commissioners be, and it is hereby, abolished, and

said board is authorized and empowered to have the cotton tax collected in such manner as it deems best, at a cost not to exceed two cents per bale in the aggregate.

Employees of levee board may be discharged.

SEC. 2. That the engineer, attorneys and secretary and treasurer of said board shall be required to personally discharge the duties of their employment, as provided by section 267 of the constitution for persons appointed to any office or employment of profit, under the laws of this state, and said engineer, attorneys, and secretary and treasurer, shall be deemed employees of said board, subject to be discharged for cause at any time, and shall hold their positions for the time for which they are employed, and no longer; and the salary of the secretray and treasurer shall not exceed the sum of eighteen hundred dollars (\$1,800) per annum.

Board may require bonds.

SEC. 3. The board shall require a bond of the treasurer and of any other employee intrusted with the collection or handling of the funds of the board, to be made by such bond or indemnity company as may be designated by the board, and for such amount as it may fix, the cost of making same to be paid by the board.

Regular and special meetings; when held.

SEC. 4. That said board of Mississippi levee commissioners shall hold regular meetings on the second Monday of January and July, and the first Monday of October, in each year, and special meetings may be ordered by the president in five days after notice of such meetings mailed to the members, and in case of an emergency, arising from high water danger or other sufficient cause, meetings may be called on such notice as the exigency of the occasion will permit.

In the event of the death, disability or failure of the president to call a meeting, the secretary of the board, upon the written petition of as many as two members, is authorized and required to call such meeting, giving the notice hereinbefore provided for.

Unlawful to move cotton before tax has been paid; penalty for this offense.

SEC. 5. It shall be unlawful for any one to remove or cause to be removed from the Mississippi levee district any cotton grown therein, without first paying the levee tax thereon, and any one so removing such cotton, without paying such tax, and without the consent of the levee board of said district, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars (\$10) nor more than one thousand dollars (\$1,000), or be imprisoned in the county jail of the county wherein the offense occurs not less than thirty days nor more than one year for each offense, and one-half of any fine so collected shall go to the informer, and in addition, the board of Mississippi levee commissioners shall be entitled to recover from the person so removing such cotton a tax of ten dollars (\$10) per bale, or one dollar (\$1)

per hundred pounds of seed cotton on all cotton so removed, and such tax shall be a lien upon all cotton, or other property belonging to the party so removing such cotton.

Levee lands not to be used without written consent of board.

SEC. 6. It shall be unlawful for any person to take possession of or make any use of, for any purpose, or travel upon, or build upon, or cultivate or enclose in a pasture any levee or land condemned for levee purposes, without the written consent of the board of Mississippi levee commissioners first obtained, and then such levee or land condemned for levee purposes can be used only to the extent defined in such written consent, and any person violating this provision of this act shall be guilty of a misdemeanor, and shall be fined not less than twenty-five dollars (\$25), nor more than one thousand dollars (\$1,000) for each offense.

SEC. 7. That all acts and parts of acts in conflict with this act are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 11, 1904.

CHAPTER 91.

S. B. No. 205.

AN ACT to authorize the board of Mississippi levee commissioners to issue one million dollars (\$1,000,000) of bonds.

Mississippi levee board may issue one million dollars (\$1,000,000) of bonds.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of Mississippi levee commissioners be, and is hereby, authorized and empowered, at such times as it may deem proper and necessary and for the best interests of its district, to cause to be prepared, and to issue, negotiate or sell, on such terms as it may think best, the bonds of said board, in addition to those heretofore issued, negotiated and sold, for such amount or amounts as said board may from time to time deem necessary, not to exceed in the aggregate one million dollars (\$1,000,000).

Bonds payable in forty years; to bear five per cent interest.

SEC. 2. That the bonds to be issued as aforesaid shall be made payable forty years from the date thereof, and shall bear interest at five per cent per annum, and which said interest shall be payable semi-annually, on the first days of May and November, and for which said interest coupons shall be attached to said bonds, and said bonds shall be signed by the president of said board, and countersigned by the secretary thereof, but the signatures to the coupons may be a fac simile engraving of that on said bonds.

SEC. 3. That the bonds to be issued as aforesaid shall be in sums of not less than one hundred dollars (\$100) or more than five thousand dollars (\$5,000), and shall be numbered from one progressively, and shall be in the following form, namely:

Form of bond prescribed.

\$.....

No.

**MISSISSIPPI LEVEE DISTRICT.
STATE OF MISSISSIPPI.**

Know all men by these presents: That the board of Mississippi levee commissioners will, forty years after the date of this bond, pay at the office of the treasurer of said board, in Greenville, Mississippi, to bearer, the sum of dollars, with interest thereon at the rate of per cent per annum, payable semi-annually on the first days of May and November, on presentation and surrender at the office of said treasurer of the coupons hereto attached, as they shall severally fall due.

Issued by virtue of an act of the legislature of the state of Mississippi, entitled "An act to authorize the board of Mississippi levee commissioners to issue one million dollars (\$1,000,000) of bonds, approved day of, A. D., 1904.

In witness whereof, the signatures of the president and secretary of the board of Mississippi levee commissioners are hereunto affixed, and the seal of said board of Mississippi levee commissioners is hereunto attached, this day of, 190.....

....., President.

....., Secretary.

Bonds to be lithographed and registered; receipt of purchaser to be taken.

SEC. 4. That said board of Mississippi levee commissioners may at any time cause said bonds to be lithographed or engraved, with such devices for identification and to prevent imitation, as may be necessary, and to be held by its treasurer for signature and issuance when the same shall be ordered by said board; and said treasurer shall register said bonds in a book to be kept for that purpose, as the same are issued, stating therein the number of each bond issued, the date of its issue, and to whom delivered, and he shall take the receipt in said book of the party to whom each of said bonds is delivered.

Proceeds to be used for levee purposes.

SEC. 5. That the proceeds arising from the issuance, negotiations or sale of the bonds to be issued as provided by this act, shall be used exclusively for the construction of levees, in payment to contractors for work done or to others for labor done in construction of levees under direction and control of the levee board, and for engineer's services and salaries of persons employed to super-

wise contractors or other persons working under the immediate direction of the levee board.

Levee taxes constituted a fund for payment of bonds.

SEC. 6. That all taxes levied and assessed by laws now in force, pertaining to the board of Mississippi levee commissioners, or the Mississippi levee district, or as are authorized by law, except so much thereof as imposes a tax on cotton, shall be, and are hereby constituted a fund for the payment of the bonds authorized to be issued by the Board of Mississippi levee commissioners under this act, in addition to the purposes for which said taxes are now levied, assessed and authorized, and said taxes shall continue and remain as now levied and assessed, or as now authorized, until all of the bonds which may be issued by the board of Mississippi levee commissioners under the provisions of this act shall have been fully paid, but said board of Mississippi levee commissioners may reduce the levy and assessment of said taxes whenever in their judgment the same can be done without jeopardizing the payment of said bonds and the interest thereon.

SEC. 7. That this act take effect and be in force from and after its passage.

Approved February 25, 1904.

CHAPTER 92.

S. B. No. 241.

AN ACT to amend section 3 of an act entitled "An act to amend an act to incorporate the board of levee commissioners for Bolivar, Washington and Issaquena counties, and for other purposes, approved November the 27th, 1865, and to revise acts amendatory thereof," being an act approved March the 13th, 1884.

156 So. 872

Right of eminent domain in Mississippi levee district; how same exercised; freeholders appointed to assess damages; how award made up; appeals to chancery court.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 3 of the acts of 1884, approved March 13, 1884, entitled "An act to amend an act to incorporate the board of levee commissioners for Bolivar, Washington and Issaquena counties, and for other purposes, approved November 27, 1865, and to revise acts amendatory thereof," being an act approved March 13, 1884, be amended so as to read as follows: That in place of section 17 of the original act to which this is an amendment, and of the several acts amendatory of the said section 17, the following shall be and is hereby declared to be the law regulating the exercise of the right of eminent domain by said board of Mississippi levee commissioners, to wit: As soon as practicable after the passage of this act, it shall be the duty

of the circuit judge of the district in which the counties of Bolivar, Washington and Issaquena are respectively situated to appoint in writing and certify the same to the clerk of his court in each county, three disinterested resident freeholders of each county, to be known as "commissioners to assess levee damages." Said commissioners shall hold their office until the second Monday in July, 1888, and until their successors are duly appointed and qualified, and thereafter their terms of office shall be four years, and until their successors are duly appointed and qualified, to be appointed in like manner by the circuit judge or judges; such appointment to be made on or before the first Monday in July in every fourth year if practicable, and at all events to be made on or before the first Monday in October succeeding the July in which said appointments should have been made, and if not made then, the then incumbents shall continue to hold their said office for the next succeeding term, and the commencement of the term of office of said commissioners shall be the second Monday in July of every fourth year; and in the event of a vacancy in said office, or of removal from the county by a commissioner for which he was appointed, which said removal shall cause a vacancy in said office, then it shall be the duty of said judge, as soon as notified of said vacancy, to fill the unexpired term of said office by appointment as aforesaid. The appointment by said judge shall be duly recorded in the minute book of his court by the circuit court clerk of the proper county, and he shall certify on the original appointment that it has been so recorded, and that said commissioner has duly taken and subscribed before him the oath required by law. The record of his said appointment, as aforesaid, and the taking and subscribing the oath herein required shall constitute the qualifications of office by said commissioners, and authorize them severally to enter upon the discharge of the duties of the same. The oath to be taken shall be that they will make a just and true award of the compensation to be paid any land holder or holders, or other person, by reason of the appropriation of their property for the purpose of building, repairing, or maintaining the public levee. Said commissioners in making up their award shall ascertain and determine the cash value of the land or material occupied or used or to be occupied or used, for the right of way for said levee or for other levee purposes, and also the damages caused to the owner's adjacent property by reason of the use of his land or other property for right of way for said levee or for other levee purposes, and such cash value and damages shall make up the sum of their said award. Said commissioners shall only have authority to act for the county for which they are appointed, and in said county they shall have the exclusive right to assess and award compensation and damages for land or material taken or damaged as aforesaid in the construction, maintenance, or repair of levees. Any two of said commissioners may act, and if three are present, then any two of said three may agree upon the award to be made.

If two of said commissioners cannot agree upon the award to be made, then it shall be their duty immediately to call in a disinterested resident freeholder of said county, and submit the point in dispute to him, and he shall decide same. Said award shall be reduced to writing and signed by at least two of said commissioners, and if a disinterested resident freeholder has been called in as above provided, it shall so state, and he also shall sign said award. The award so signed shall be delivered to the treasurer of the board of Mississippi levee commissioners. Upon the payment or tender of the amount of said award, it shall be lawful for the said board of levee commissioners to proceed forthwith to locate and build the levee or use the property condemned. Upon the payment of said award, the treasurer of said board shall cause the person to whom the payment is made, to acknowledge the payment of the same on said award, and he shall then deliver the same to the chancery clerk of the county to be recorded, together with the receipt thereon. In the event that the owner or owners of said land, material, or other property are unknown, or that said commissioners of damages are uncertain who they are, or there are conflicting claims to the amount of said award, or part thereof, then said levee treasurer may pay the same to the chancery clerk of the proper county for such person as it may properly belong to, and take said clerk's receipt, as is provided for herein for the owner, and cause the same to be recorded as before provided, and said clerk and his sureties shall be answerable on his official bond for the safekeeping of said money. If said board of Mississippi levee commissioners, or its duly authorized agent in such matters, or any party interested is dissatisfied with said award, then the party feeling aggrieved may, within ten days from the date of said award, and not after, appeal to the chancery court of the county in which the land or property is situated, by filing in the office of the chancery clerk of said county a written statement distinctly setting forth the matters of law or fact, or both complained of, and thereupon the clerk of said court shall issue a summons, or make publication if the opposite party is a non-resident, as in other cases of non-residents, requiring the opposite party to appear at the next term of said chancery court, to be held not less than five days after service of said notice, or not less than three weeks after said publication is first made, and answer or demur to said statement; and at the term of the court to which said summons or process of publication is returnable, the court shall cause the proper issues of law or fact to be made up, and upon such issues, and under the instructions of the court, such appeal shall be tried at that term before a jury of twelve disinterested freeholders, or by consent of all parties before the chancellor, and either party may prosecute an appeal from said chancery court to the supreme court.

Duty of chancellor on appeal; Jurors summoned.

On appeal to the chancery court from the awards of said commissioners, the chancellor shall appoint a competent deputy, or

deputies, to summons twenty-four disinterested freeholders qualified under the law to sit on juries to try such cases.

Right of each side to challenge jurors.

Each side shall have the right to challenge six jurors. And in counties having two judicial districts twelve freeholders shall be taken from each district, from which a jury of twelve shall be selected.

All suits may be removed to chancery court.

Upon application of either party to suits now pending in the circuit courts of the respective counties of the said levee district the same may be removed to the chancery court.

Chancellor to furnish certified copy of award; levee board not to be enjoined; how commissioners paid; levee board may compromise all claims.

The said treasurer shall furnish to any party interested demanding the same a certified copy of said award, and such certified copy shall be competent evidence in any proceeding in any court of this state. In the event of an appeal from the award of said commissioners by either party, the treasurer of said board of Mississippi levee commissioners may deposit with the chancery court clerk of the county in which the property is situated the amount of said award, for the safekeeping and proper disposition of which said clerk shall be liable on his official bond, or upon application of either party the chancellor may make a written order requiring such deposit to be made with some other person, and in some other place, and upon such conditions as he may prescribe to secure the safekeeping of said deposit, and upon said deposit being made, it shall be lawful for said board to proceed with the construction of said levee, or to use said material or property in the same manner as if said award had been accepted and paid to the party entitled thereto, and no injunction shall be granted by any court to prevent said board building said levee or using said material or other property as aforesaid; nor shall it be in any way hindered or obstructed or delayed therein. And if, upon a final decision of said appeal, said board shall be required to pay only the amount, or less than the amount of said award, then the party defeated in such appeal shall pay all costs, but if it is decided that the said board shall pay more than said award, then said board shall forthwith pay such excess over said amount of said award and all costs. Said board may at any time before proceeding with the work of construction, or before using any material or other property, refuse to accept said award, and locate its levee anew, or decline to use said material or other property, if in its judgment the interest of its district would be thereby subserved. The remedy hereby provided for determining the compensation and damages to be paid for the right of way and for the use of material and other property for the levees may be resorted to by either said board of Mississippi levee commissioners, or any person interested, and it shall be exclusive of all other remedies. When said levee board deems

it necessary to take and use any right of way, land, material or other property for levee purposes, or when the same has already been so taken and used, or is about to be so taken and used, then said board of levee commissioners, by its president, attorney or other authorized agent, or any person interested, may file a petition with the clerk of the circuit court of the county in which the property is situated, describing as nearly as may be the property taken or proposed to be taken, and asking that the commissioners herein provided for be assembled to make an award touching the same, and thereupon said clerk shall issue his warrant to the sheriff of said county, requiring him to summons said commissioners, on a day therein named, to go upon the ground where said property is, and view the same, and make their award as required by law. Such warrant shall be served on said commissioners, or such of them as can be found in the county, at least five days prior to the day on which they are to assemble, and on the opposite party, if to be found in the county, at least two days prior to such date, or by posting notices on the land for at least two days prior to the meeting of said commissioners, when said party is not to be found in said county. The commissioners provided by this act shall be paid out of the treasuries of their respective counties, ten dollars (\$10) for each day of actual service, and six (6) cents per mile for every mile traveled in the performance of their duties, such payments to be made by the county treasurers upon the certificate of each commissioner, verified by his affidavit. For executing the process herein required, and for recording verdict, the sheriff and deputies appointed and clerk of the respective counties shall be entitled to the fees now allowed by law for summoning juries and recording deeds respectively, to be paid by the treasurer of said levee board. Said board of Mississippi levee commissioners may at all times settle or compromise by agreement with the owner or owners, or if such owner or owners be minors or insane persons, or if the property belongs to an estate, then with the guardian, executor, or administrator, as the case may be, all claims for compensation or damages on account of the rights of way or material for the construction, maintenance or repair of levees, and such guardian, executor or administrator, shall be responsible on their bond for the money or other thing received in such settlement. Said board of levee commissioners is hereby authorized to enter upon, take, use and appropriate any property in said levee district, for the purpose of constructing, maintaining and repairing its said levee, in accordance with the provisions of this section; *provided*, that if one or more of said commissioners shall be interested in any property to be condemned under this section, that such interested commissioner or commissioners shall not act in regard to the condemnation of such property, and that for that occasion and that special purpose, it shall be the duty of said circuit judge or judges to appoint in the place of such commissioner or commissioners other disinterested freeholders, who shall act in their stead.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 26, 1904.

CHAPTER 93.

S. B. No. 372.

AN ACT to authorize the board of levee commissioners for the Yazoo-Mississippi delta to appropriate and pay over to the Interstate River Improvement and Levee Association a sum of money not to exceed one thousand dollars (\$1,000) per annum.

Yazoo-Mississippi delta levee board may pay money to Interstate River Improvement Association.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of levee commissioners of the Yazoo-Mississippi delta be, and is hereby, authorized, in its discretion, to appropriate and pay over to the interstate river improvement and levee association a sum of money not to exceed one thousand dollars (\$1,000) in any one year.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 94.

S. B. No. 336.

AN ACT to exempt bonds of the two levee districts held by citizens of this state from state, county and municipal taxation.

Levee bonds exempted from all taxation.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that all bonds of the levee districts of the state of Mississippi hereafter sold by either of the levee boards and held and owned by any citizen of the state of Mississippi, shall be exempt from all state, county, levee and municipal taxation.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 95.

H. B. No. 392.

AN ACT to authorize the board of levee commissioners for the Yazoo-Mississippi delta to issue bonds for the purpose of constructing, maintaining and repairing its levees.

Yazoo-Mississippi delta levee board authorized to issue five hundred thousand dollars (\$500,000) of bonds.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, as follows: that the board of levee commissioners for the Yazoo-Mississippi delta is hereby authorized and empowered to issue and sell for cash, at not less than par, the bonds of the said board, bearing interest at a rate of not more than four and one-half per centum per annum, with interest coupons attached thereto, maturing semi-annually, and to make the said bonds and coupons payable at such time or times and at such place, in or out of the state, as the said board shall determine. The said bonds shall be sold only to the highest and best bidder therefor, and only after being advertised in one daily paper published in the city of New York and one daily paper published in Memphis, Tenn., each day for not less than four weeks prior to the date of sale.

The said bonds shall be of denominations of not less than five hundred dollars (\$500), nor more than one thousand dollars (\$1,000) each, and shall not exceed in the aggregate the sum of five hundred thousand dollars (\$500,000).

Bonds to be signed and registered, etc.

SEC. 2. The said bonds and coupons shall be signed, executed, registered, and delivered and dealt with in all things in conformity to the provisions of sections 9, 10 and 11 of that certain act of the legislature of the state of Mississippi entitled "An act to incorporate the board of levee commissioners for the Yazoo-Mississippi delta, and for other purposes," approved February 28, 1884.

Bonds exempt from taxation; may be called; when.

SEC. 3. The bonds hereby authorized to be issued shall be exempt from all assessments and taxes, whether state, county, municipal, levee, or local, and may be called for payment at such time or times as said board may fix upon the notice provided by section 21 of the said act, approved February 28, 1884.

May be issued at any time.

SEC. 4. The said board may issue any of the said bonds it is hereby authorized to issue at any time and as it may determine, until it shall have issued the aggregate amount hereby authorized to be issued.

Cost of printing; how paid.

SEC. 5. The cost of printing and executing the said bonds shall be paid out of the proceeds of the sale thereof, or from any other resources of the said board not otherwise appropriated.

To be used for levee purposes.

SEC. 6. The said board shall use and apply the proceeds of the said bonds for the purpose of building, rebuilding, repairing, constructing and maintaining the levees which the said board is by law authorized to construct and maintain, and for no other purpose whatsoever.

Penalty for unlawful sale or issuance.

SEC. 7. If the said board or any of its officers or agents shall issue, sell, or otherwise dispose of any bond or bonds which it is hereby authorized to issue for any purpose not authorized by this act, the person or persons so issuing, selling, or disposing of the same shall be guilty of a felony, and upon conviction shall be sentenced to the penitentiary for not less than one or more than ten years.

SEC. 8. This act shall take effect from its passage.

Approved March 16, 1904.

CHAPTER 96.**S. B. No. 299.**

AN ACT to exempt from taxation for levee purposes in the counties of DeSoto, Tunica and Coahoma, in the Yazoo-Mississippi delta levee district, all property between the line of levees and the Mississippi river.

Land outside of levees exempt from taxation.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that all property, both real, personal, and mixed, of every name and nature, lying, being, or situated between the line of levees and the Mississippi river in the counties of DeSoto, Tunica, and Coahoma in the Yazoo-Mississippi delta levee district, shall be exempt from all and every kind of taxes for levee purposes, and such personal property shall be considered as so situated which is usually located and used upon lands so situated in and about the business of the owners of such lands, and the crops grown on such lands shall likewise be exempt.

SEC. 2. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 1, 1904.

CHAPTER 97.

S. B. No. 227.

AN ACT to confirm lease by University of Mississippi of lot to Oil Mill Co.

To confirm lease of land to Oxford Oil Mill Co. by university trustees.

WHEREAS, the board of trustees of the university did, on the day of June, 1903, authorize a committee to lease five acres of its land to the Oxford Oil Mill Company; and

WHEREAS, said committee did on the first day of September, 1903, make said lease to said company, at the annual rental of ten dollars (\$10) per acre, or fifty dollars (\$50) for the five acres, which lies in the hills south and east of the Illinois Central Railroad, below the bridge, out of corporate limits, a mile from town; and

WHEREAS, said lot of land was not needed or suitable for any university purpose, nor was it suitable for cultivation or a building site, nor for any other purpose, except some such as the oil mill has put it to, and hardly fit for that; and

WHEREAS, said lot of land could in no other way be made to bring in any income to the university, and by this lease will bring an annual income to it quite equal to the total value of the land each year; and

Legal disabilities removed.

WHEREAS, the said oil mill company, which is composed entirely of home people and home capital, has at great expense graded down the hills and put a spur track and its mill on said lot, an investment of over fifty thousand dollars (\$50,000), which is now in successful operation, and is of the latest pattern, an ornament in its way; and

WHEREAS, a question has arisen as to the power of said trustees to make said lease which should be removed and all parties to said lease desire removed; now, therefore,

Lease validated and made binding.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the said lease of said five acres of land made by the board of trustees of the date of September 1, 1903, to the Oxford Oil Mill Company, be, and the same is hereby, validated and made binding on all parties to it, according to its terms, which may be altered, amended, extended, or abrogated by parties to it.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 7, 1904.

CHAPTER 98.

H. B. No. 18.

AN ACT for the protection of birds other than game birds and their nests and eggs.

Non-game birds and their nests and eggs protected.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that all wild birds, other than game birds, both resident and migratory, found in this state at any season of the year, shall be, and are hereby declared to be, the property of the state.

Unlawful to have or take birds protected by this act; kind of birds protected.

SEC. 2. That no person shall, within the state of Mississippi, kill or catch, or have in his or their possession, living or dead, any resident or migratory wild bird other than a game bird, or purchase, offer, expose for sale, transport or ship within or without the state, any such wild bird after it has been killed or caught, except as permitted by this act. No part of the plumage, skin or body of any bird protected by this act shall be sold or had in possession for sale, and this irrespective of whether said bird was captured or killed within or without the state. For the purposes of this act the following only shall be considered game birds: Swans, geese, brant, wood duck, river and sea duck, rails (mud hens), coots, gallinules, surf birds, snipe, woodcock, sandpipers, tatlers, curlews, plovers, grosbec, wild turkeys, prairie chickens, quail, and doves.

Nests and eggs not to be destroyed or taken.

SEC. 3. That no person shall, within the state of Mississippi, take or needlessly destroy the nest or the eggs of any wild bird, other than a game bird, or have such nest or eggs in his or their possession, except as permitted in this act.

Penalty imposed for violating provisions of this act.

SEC. 4. That any person violating any of the provisions of this act, shall be guilty of a misdemeanor, and shall be liable to a fine of five dollars (\$5) for each bird, living or dead, or part of a bird, or nest, or set of eggs, or part thereof, possessed in violation of this act, or to imprisonment for thirty days, or both, at the discretion of the court.

Permission to take birds, their nests and eggs for strictly scientific purposes.

SEC. 5. That sections 2, 3, and 4 of this act shall not apply to any person holding a certificate giving the right to take birds, their nests or eggs, for strictly scientific purposes, as provided for in section 6 of this act, nor does it prevent any householder from keeping any resident or migratory birds in cages; *provided*, they are not kept for sale, barter or exchange, and that they shall not be shipped beyond the confines of the state.

Secretary of state to grant certificates to properly accredited persons; penalty for violating such license.

SEC. 6. That certificates may be granted by the secretary of state to any properly accredited person of the age of fifteen years or upwards, permitting the holder thereof to collect birds, their nest or eggs, for strictly scientific purposes only. In order to obtain such certificate the applicant for the same must present to the secretary of state written testimonials from two well known ornithologists, certifying to the good character and fitness of said applicant to be entrusted with such privileges, and must pay to said officer one dollar (\$1) to defray the necessary expenses attending the granting of such certificate. On proof that the holder of such certificate has captured or killed any bird, or taken the nest or eggs of any bird for other than scientific purposes, the certificate shall become void, and he shall be liable to a fine of one hundred dollars (\$100), or imprisonment of thirty days, or both, at the discretion of the court.

When certificate shall expire; is not transferable.

SEC. 7. That the certificates authorized by this act shall expire on the 31st day of December of the year issued, and shall not be transferable.

Birds excepted from the provisions of this act.

SEC. 8. That the English sparrow, cooper's hawk, duck hawk, sharp-shinned hawk, and owl and jay bird are not included among the birds protected by this act. This act does not prevent any person from killing crows and crow blackbirds on his own premises, if the same shall be destructive to crops; *provided*, that said birds are not sold or offered for sale or shipped out of the state.

SEC. 9. That all acts or parts of acts heretofore passed inconsistent with or contrary to the provisions of this act are hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 99.

H. B. No. 50.

AN ACT to promote the comfort of passengers on street railways, requiring all street railways in this state to provide equal but separate accommodations for the white and colored races, by providing separate cars or compartments so as to secure separate accommodations; defining the duties of the officers of such street railways; directing them to assign passengers to the cars or compartment set aside for the use of the races to which such passengers belong; authorizing them to refuse to carry on their cars such passengers as may refuse to occupy the car or compartment to which he or she is assigned; to exonerate such street railway companies from any or all blame and damages that might proceed or result from such a refusal; to prescribe penalties for all violations of this act; to put this act into effect ninety days after its passage, and to repeal all laws or parts of laws contrary to or inconsistent with the provisions of this act.

Equal but separate accommodations to be provided for the races.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that all persons or corporations operating street railways, carrying passengers in their cars in this state shall provide equal but separate accommodations for the white and colored races by providing two or more cars or by dividing their cars by a partition or adjustable screen which may be made movable so as allow adjustment of the space in the car in the manner suited to the requirements of the traffic, so as to secure separate accommodations for the white and colored races. No person or persons shall be permitted to occupy seats in cars or compartments other than the ones assigned to them on account of the race to which they belong.

Passengers required to occupy compartments to which they are assigned; penalty for violation.

SEC. 2. That officers of such street cars shall have power and are required to assign each passenger to the car or compartment used for the race to which such passengers belong. Any passenger insisting upon going into a car or compartment to which by race he or she does not belong shall be liable to a fine of twenty-five dollars (\$25) or in lieu thereof be imprisoned for a period of not more than thirty days in the county jail, and any officer of any street railway insisting on assigning a passenger to a car or compartment other than the one set aside for the race to which said passenger belongs, shall be liable to a fine of twenty-five dollars (\$25), or in lieu thereof, to imprisonment for a period of not more than thirty days in the county jail; and should any passenger refuse to occupy the car or compartment to which he or she is assigned by the officer of such street railway, said officer shall have power to refuse to carry such passenger on his car or cars, and for such refusal neither he nor the street railway company which he represents shall be liable for damages in any court.

Refusal of street railway officers and employees to comply with this act declared a misdemeanor; penalty prescribed.

SEC. 3. That all officers and directors of street railway companies that shall refuse or neglect to comply with the provisions and requirements of this act shall be deemed guilty of a misdemeanor, on conviction shall be fined not less than one hundred dollars (\$100), or be imprisoned in the county jail not less than sixty days and not more than six months; and any conductor or other employee of such street car company having charge of the same, who shall refuse or neglect to carry out the provisions of this act shall, on conviction, be fined not less than twenty-five dollars (\$25) or be imprisoned in the county jail for not less than ten days, nor more than thirty days for each and every offense. All street railway companies carrying passengers in this state shall keep this law posted up in a conspicuous place in each and every car and at their transfer stations; provided, that nothing in this act shall be construed as applying to nurses attending children of the other race.

SEC. 4. That all laws or parts of laws contrary to or inconsistent with the provisions of this act, be, and the same are hereby, repealed, and that this act shall take effect and be in full force ninety days after its passage.

Approved March 1, 1904.

CHAPTER 100.

H. B. No. 54.

AN ACT to provide for the codification and annotation of all the general statutes of the state of Mississippi, and to provide for the annotation of the constitution of the state of Mississippi and of the United States.

Creating a commission to codify the laws; governor to appoint same.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the governor be, and he is hereby, authorized and directed to appoint three suitable persons, one from each supreme court district, learned in the law as commissioners, whose duty it shall be to revise, arrange and classify all the statute laws of this state of a general nature into one code, including all such laws of a general nature as are now in force, and that may be passed at the present session of the legislature, and index same.

Duties of commissioners prescribed and defined.

SEC. 2. That it shall also be the duty of said commissioners to make annotations of the decisions of our supreme court to all such statute laws of the state, and to all sections of the constitution of the state as have been construed or passed upon by said court, and to make citations of the decisions of the supreme court of the United States, and of the constitution of the state of Mississippi and of the United States.

Four hundred copies to be furnished to the legislature.

SEC. 3. That said commissioners shall have four hundred copies of such revised code printed for the use of the legislature, and shall deliver one copy to each member of the legislature at least three months before the special session of the legislature in 1906, for ratification or rejection.

Commissioners to receive two thousand dollars (\$2,000) for their services.

SEC. 4. That said commissioners shall receive for their services the sum of two thousand dollars (\$2,000) each, one-half of which shall be paid when the manuscript is delivered to the printer, and balance when code is accepted by the legislature, and that this act take effect and be in force from and after its passage.

Approved March 19, 1904.

CHAPTER 101.

H. B. No. 107.

AN ACT to authorize the board of supervisors of any county having a population of 40,000 or more, in which there exists a municipality or municipalities which have and maintain a fire department, to aid such fire department for services rendered on property in the county but without the municipality, and also for protection afforded the property belonging to the county, by appropriating certain sums of money annually from the county treasury.

Boards of supervisors authorized to appropriate money to municipalities for fire protection.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of any county having forty thousand or more inhabitants, in which there exists a municipality or municipalities which has and maintains a fire department, may aid such fire department for services rendered on burning buildings within the county but without the boundaries of the municipality and also for the protection afforded by such fire department to the property owned by the county, by appropriating from the county treasury annually a sum or sums of money not to exceed in any one year two hundred and fifty dollars (\$250). Whatever sum or sums so appropriated shall be paid to the fire department rendering such services.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 19, 1904.

CHAPTER 102.

H. B. No. 166.

- AN ACT authorizing the creation of a new county to be called Lamar, and providing for the organization of the same.

County of Lamar created; its metes and bounds defined.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that there is hereby authorized to be created the county of Lamar, and the same shall be bounded as follows: By a line run by commencing at the northwest corner of township 5, range 16 west of Saint Stephen's meridian, thence running east along the township line to the northeast corner of township 5 north, range 15 west; thence along the range line to the southeast corner of township 5 north, range 15 west; thence east along the township line to the northeast corner of township 4 north, range 14 west; thence south along the range line to a point one mile north of the thirty-first parallel of latitude, thence west to the line between ranges 15 and 16 west, thence south along the range line to the thirty-first parallel of latitude, thence west along said thirty-first parallel to the line between ranges 16 and 17, thence along said line to the place of beginning.

Purvis designated as county seat.

SEC. 2. That the town of Purvis shall be the seat of justice of said county of Lamar.

Governor to appoint commissioners to hold election; how election conducted; ballots.

SEC. 3. That upon the approval of this act by the governor he shall appoint three commissioners who shall be residents within the territory comprised within the proposed new county, whose duty it shall be to give notice as required for special elections, and thirty days after the approval of this act to hold an election within said territory, submitting to the qualified voters of said territory the question of the creation of said new county. And there shall be printed on the tickets used in said elections the words "for Lamar county," and the words, "against Lamar county;" and the said commissioners shall make returns of said election to the secretary of state within the time provided by law for making returns of general elections, showing the result thereof, and if it shall appear from the returns of said election that a majority voting thereon have voted therefor, then and in that event the governor shall issue his proclamation declaring said county of Lamar created.

Governor to appoint provisional officers for the county; first meeting of board of supervisors.

SEC. 4. That the governor shall appoint and commission a sheriff, coronor, treasurer, surveyor, clerk of the circuit and chancery courts, who may be one and the same person, a county super-

intendent of education, and five persons who shall constitute a board of supervisors, all of whom shall hold their offices until a special election shall be held as hereinafter provided, and until their successors are elected and qualified. Said board of supervisors shall assemble on the first Monday of the month after the proclamation of the governor creating said county, and organize by the election of one of their members as president; they shall convene at said time, be duly sworn by some officer duly qualified to administer oaths, and said board shall at once enter upon the discharge of their duties; and all other officers so appointed shall at the same time take the oath of office and enter upon the discharge of their duties.

Commission to lay off and divide the county into supervisors' districts.

SEC. 5. That the state board of election commissioners shall appoint three commissioners who shall be election commissioners for said county, and whose further duty it shall be to divide and lay off said county into five convenient districts, which shall be the districts for the election of supervisors, justices of the peace and constables.

Special election for all county and beat officers.

SEC. 6. That when said districts shall be thus laid off, it shall be the duty of the election commissioners of said county to proceed within not less than thirty days, nor more than sixty days, from the date of their appointment, and in the manner prescribed by law for the holding of general elections, to hold an election for all county and beat officers, including one representative, all of whom shall serve until the first Monday of January, 1908, or until their successors are duly qualified.

Lamar county attached to second supreme court district and sixth congressional district.

SEC. 7. That the said county of Lamar shall be attached to the second supreme court district, the second chancery court district, to the second circuit court district, the fourth senatorial district, the sixth congressional district, and the second district for the election of railroad commissioners; and that the terms of the circuit and chancery courts of the said Lamar county shall be held at the time provided by law for the holding of said courts in the second judicial district of Marion county.

Bonded indebtedness apportioned between Marion and Lamar counties.

SEC. 8. That the said Lamar county shall assume such proportionate part of the bonded indebtedness of Marion county existing at the time of the passage of this act as the total valuation of real and personal property of said Lamar county bears to the total valuation of real and personal property of Marion county, as shown by the rolls for the fiscal year 1903-1904, and the treasurer of Lamar county shall, upon order of the board of supervisors, pay to the treasurer of Marion county such proportionate part of the said

bonded indebtedness at such times as the same may become due and payable; and that all other indebtedness of and claims against Marion county which may have accrued on or before the creation of Lamar county, whether the same has been allowed and warrant issued or not, shall be apportioned between Marion county and Lamar county in the same manner, and all money in the treasury at that time shall likewise be apportioned and divided as provided in the next succeeding section hereof.

County treasurer of Marion to pay over certain funds.

SEC. 9. That when the treasurer of Lamar county shall have given bond and qualified as such treasurer, the treasurer of Marion county shall, upon order of the board of supervisors of said county, pay over to the said treasurer of Lamar county such proportionate part of all funds then in his hands as the entire valuation of property in Lamar county bears to the entire valuation of property in Marion county, as shown by the assessment rolls of said Marion county for the fiscal year 1903-1904, sixteenth section school funds excepted.

Sixteenth section school funds to be turned over.

SEC. 10. That the treasurer of Marion county shall turn over to the treasurer of Lamar county all sixteenth section school funds, both principal and interest, belonging to townships in said Lamar county, and all notes and securities of whatsoever nature covering loans of such funds.

Public schools to remain as now located.

SEC. 11. That all public schools now located in the territory embraced in Lamar county shall remain so located, unless removed as provided by law.

Court records to remain in Lamar county.

SEC. 12. That all records in the office of the chancery clerk, circuit clerk, and sheriff of Marion county at Purvis, Mississippi, as the same have been kept and preserved for the second judicial district of Marion county, shall be and remain the records of Lamar county.

Pending suits; how triable.

SEC. 13. That all suits, both criminal and civil, now pending in the circuit or chancery courts of the second judicial district of Marion county and in the justice courts therein shall be triable in the said courts of Lamar county in the same manner as they were triable in the second judicial district of Marion county.

County property to vest in new county.

SEC. 14. That the title to all property, both real and personal, and rights in action now vested in the county of Marion, situated in and pertaining to the second judicial district of Marion county shall vest in the county of Lamar.

Contracts to be executed.

SEC. 15. That all contracts heretofore entered into by the county of Marion, so far as the same affects the second judicial district of Marion county, shall be executed and completed by Lamar county.

Registration books.

SEC. 16. That the registration books of the second judicial district of Marion county shall be the registration books of Lamar county.

SEC. 17. That all polling places provided for in the second judicial district of Marion county shall be the polling places of Lamar county.

Disposition of assessment rolls.

SEC. 18. That the land assessment roll for the year 1902 for the second judicial district of Marion county, as revised by the board of supervisors of said Marion county, be the land assessment roll of Lamar county.

Personal assessment to be paid for.

SEC. 19. That the personal assessment roll for the fiscal years 1904 and 1905 of the second judicial district of Marion county, as the same shall be made by the assessor of Marion county, shall be the personal assessment roll of Lamar county. And the said Lamar county shall pay for the taking of said assessment such fees as are allowed by law.

SEC. 20. That all acts and parts of acts in conflict with the terms of this bill be, and the same are hereby, repealed.

SEC. 21. That this act be in force and effect from and after its passage.

Approved February 19, 1904.

CHAPTER 103.**S. B. No. 291.**

AN ACT to amend an act approved on 19th day of February, 1904, entitled "An act authorizing the creation of a new county, to be called Lamar, and providing for the organization of same."

Amending act creating Lamar county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the act approved on the 19th day of February, 1904, entitled "An act authorizing the creation of a new county, to be called Lamar, and providing for the organization of the same," be, and the same is hereby, amended so as to read as follows:

Section 1. *Be it enacted by the Legislature of the State of Mississippi*, that there is hereby authorized to be created the county of

Lamar, which shall be composed of that part of Marion county comprising the second judicial district thereof, which said territory is bounded and described by a line run as follows: Commencing at the northwest corner, township 5, range 16 west of St. Stevens' meridian, thence running east along the township line to the northeast corner of township 5 north, range 15 west, thence along the range line to the southeast corner of township 5 north, range 15 west, thence east along the township line to the northeast corner of township 4 north, range 14 west, thence south along the range line to a point one mile north of the thirty-first parallel of latitude, thence west to the line between ranges 15 and 16 west, thence south along the range line to the thirty-first parallel of latitude, thence west along said thirty-first parallel to the line between ranges 16 and 17, thence along said line to the place of beginning. And that part of Pearl River county contiguous to said above-described territory, circumscribed by line run as follows: Beginning at the point where the line between sections 33 and 34, township 1 north, range 15 west intersects the thirty-first parallel of north latitude, and running east along said thirty-first parallel to a point where the line between sections 2 and 3, township 1 south, range 15 west intersects said thirty-first parallel, thence south along line between sections 2 and 3 to corner of sections 2, 3, 10, and 11, township 1 south, range 15 west, thence east along line between first and second tiers of sections south of said thirty-first parallel to the corner common to sections 5, 6, 7 and 8, township 1 south, range 14 west, thence north along line between sections 5 and 6 to said thirty-first parallel, thence east to the point where a line drawn centrally north and south through section 32, township 1 north, range 14 west, intersects said thirty-first parallel, thence north one mile to the line between Pearl river and Marion counties, thence west along said line separating said counties to the point where it intersects the line between sections 33 and 34, township 1 north, range 15 west, thence south along section line to point of beginning.

SEC. 2. That the town of Purvis shall be the seat of justice of the said county of Lamar.

Governor to appoint commissioners; election to be held.

SEC. 3. That upon the approval of this act by the governor, he shall appoint three commissioners from the territory, to be taken from Pearl River county, who shall be residents of said territory, and also three commissioners who shall be residents of that part of the proposed new county to be taken from Marion. It shall be the duty of the said commissioners to give notice as required for special elections, and within thirty days after the approval of this act to hold elections in their respective territories, submitting to the qualified electors therein the question of the creation of the said new county, and there shall be printed on the tickets used in said election, the words "for Lamar county," and the words "against Lamar county," and the said commissioners shall make returns of

said election to the secretary of state within the time provided by law for making returns of general election, showing the result thereof, and if it shall appear upon the returns of said election that a majority voting thereon have separately voted therefor, then and in that event the governor shall issue his proclamation declaring said county of Lamar created.

Provisional officers to be appointed by the governor; first meeting of supervisors.

SEC. 4. That the governor shall appoint and commission a sheriff, coroner, treasurer, surveyor, clerk of the circuit and chancery courts, who may be one and the same person, a county superintendent of education, and five persons who shall constitute a board of supervisors, all of whom shall hold their offices until a special election shall be held as hereinafter provided, and until their successors are elected and qualified. Said board of supervisors shall assemble on the first Monday of the month after the proclamation of the governor creating said county, and organize by the election of one of their members as president, and they shall convene at said time, be duly sworn by some officer, duly qualified to administer oaths, and said board shall at once enter upon the discharge of their duties, and all the other officers so appointed shall at the same time take the oath of office and enter upon the discharge of their duties.

Commissioners to divide county into districts.

SEC. 5. That the state board of election commissioners shall appoint three commissioners, who shall be election commissioners for said county, and whose further duty shall be to divide and lay off said county into five convenient districts, which shall be the districts of the election of supervisors, justices of the peace and constables.

Special election to be held for all county and beat officers.

SEC. 6. That when said districts shall be thus laid off, it shall be the duty of the election commissioners of said county to proceed within not less than thirty days, nor more than sixty days, from the date of their appointment and in the manner prescribed by law, for the holding of general elections, to hold an election for all county and beat officers, including one representative, all of whom shall serve until the first Monday of January, 1908, or until their successors are duly qualified.

Lamar county attached to supreme court, congressional and railroad commissioner districts.

SEC. 7. That the said new county of Lamar shall be attached to the second supreme court district, the second chancery court district, the second circuit court district, the fourth senatorial district, the sixth congressional district, and the second district of the election of railroad commissioners, and that the terms of the circuit and chancery courts of the said Lamar county shall be held at the

time provided by law for the holding of said courts in the second judicial district of Marion county.

Taxes apportioned and funds to be divided; bonded indebtedness.

SEC. 8. That the said Lamar county shall assume such proportionate parts of the bonded indebtedness of Marion county existing at the time of the passage of this act as the total valuation of real and personal property of the said second district of Marion county bears to the total valuation of real and personal property of Marion county, as shown by the rolls for the fiscal year 1903-1904, and the treasurer of Lamar county shall, upon order of the board of supervisors, pay to the treasurer of Marion county such proportionate part of said bonded indebtedness at such times as the same may become due and payable, and that all other indebtedness of and claims against Marion county which may have accrued on or before the creation of Lamar county, whether the same has been allowed and warrant issued or not, shall be apportioned between Marion county and Lamar county in the same manner, and all money in the treasury at that time shall likewise be apportioned and divided as provided in the next succeeding section hereof; and the said Lamar county shall also assume such proportionate part of the bonded indebtedness of Pearl River county existing at the time of the passage of this act as the total valuation of real and personal property of the territory taken from Pearl River county bears to the total valuation of real and personal property of Pearl River county, as shown by the rolls for the fiscal year 1903 and 1904, and the treasurer of Lamar county shall, upon order of the board of supervisors, pay to the treasurer of Pearl River county such proportionate part of the said bonded indebtedness at such times as the same may become due and payable, and that all other indebtedness of and claims against Pearl River county which may have accrued on or before the creation of Lamar county, whether the same shall have been allowed and warrant issued or not, shall be apportioned between Pearl River county and Lamar county.

Treasurer to receive funds.

SEC. 9. That when the treasurer of Lamar county shall have given bond and qualified as such treasurer, the treasurer of Marion county shall, upon order of the board of supervisors of said county, pay over to the said treasurer of Lamar county such proportionate part of all funds then in his hands as the entire valuation of property in Lamar county bears to the entire valuation of property in Marion county, as shown by the assessment rolls of said county for the fiscal year 1903 and 1904, sixteenth section school funds excepted.

School fund to be paid over.

SEC. 10. That the treasurers of Marion and Pearl River counties respectively shall turn over to the treasurer of Lamar county all sixteenth section school funds, both principal and interest, be-

longing to township in said Lamar county, and all notes and securities of whatsoever nature covering loans of such funds.

Location of public schools.

SEC. 11. That all public schools now located in the territory embracing Lamar county shall remain so located, unless removed as provided by law.

Court records—copies of deeds to be made.

SEC. 12. That all records in the office of the chancery clerk, circuit clerk and sheriff of Marion county at Purvis, Mississippi, as the same have been kept and preserved for the second judicial district of Marion county, shall be and remain the records of Lamar county. The board of supervisors of Lamar county, as soon as practicable, shall procure copies of all deeds and records in Pearl River and Marion counties pertaining to the titles to property situated in Lamar county.

Disposition of pending suits.

SEC. 13. That all suits, both criminal and civil, now pending in the circuit or chancery courts of the second judicial district of Marion county, and in the justice courts therein, shall be triable in the said courts of Lamar county in the same manner as they were triable in the second judicial district of Marion county.

Investiture of title to county property.

SEC. 14. That the title to all property, both real and personal, and rights in action now vested in the county of Marion, situated in and pertaining to the second judicial district of Marion county, shall vest in the county of Lamar.

How contracts to be executed.

SEC. 15. That all contracts heretofore entered into by the county of Marion, so far as the same affect the second judicial district of Marion county, shall be executed and completed by Lamar county.

Registration books; voters to be registered.

SEC. 16. That the registration books of the second judicial district of Marion county shall be the registration books for the purposes of the election to be held in that territory provided for by section 3 hereof, and the commissioners to be appointed as provided by section 3 hereof shall divide into convenient voting precincts that part of the proposed new county taken from Pearl River county, and shall also provide for the registration of the qualified electors in said territory at least ten days before said election.

Location of polling places.

SEC. 17. That all polling places provided for in the second judicial district of Marion county shall be the polling places of that part of Lamar county, and the polling places for that part of Lamar county taken from Pearl River county shall be fixed by the commissioners appointed under section 3 hereof, but all the work of

the said commissioners in this regard shall be valid only for the purposes of the election held under section 3 hereof, it not being intended to limit hereby the power of the board of supervisors to fix and change voting precincts and voting places.

Land assessment roll.

SEC. 18. That the land assessment roll for the year 1902 for the second judicial district of Marion county, as revised by the board of supervisors of Marion county, be the land assessment roll for that part of Lamar county.

Personal assessment roll; same to be paid for.

SEC. 19. That the personal assessment roll for the fiscal year 1904 and 1905 in the second judicial district of Marion county, as the same shall be made by the assessor of Marion county, shall be the personal assessment roll for that part of Lamar county, and the said Lamar county shall pay for the taking of said assessment such fees as are allowed by law.

New assessment of property; how paid for.

SEC. 20. There shall be made an assessment of the property within said territory taken from Pearl River county by the assessor of Pearl River county for the year 1904 in such manner as the board of supervisors of Lamar county shall determine. Lamar county shall pay to the assessor of Pearl River county such fees for the making of said assessment as provided by law.

How indictments to be tried; civil actions, how prosecuted.

SEC. 21. All indictments found prior to the passage of this act for crimes committed in said territory taken from Pearl River county shall remain and be triable in Pearl River county, and all crimes committed before that time in said territory, when no indictment at the time has been found or prosecution begun, shall be prosecuted in Lamar county, and all civil action already instituted shall likewise be prosecuted and disposed of in Pearl River county, but suits may be instituted in Lamar county which would have been brought in Pearl River county but for the passage of this act.

How supervisors to divide the school funds.

SEC. 22. That upon the creation of the said county of Lamar the board of supervisors of Pearl River county shall order the distribution of the public school funds for the current year to be so divided that the children residing within the territory cut off from Pearl River and embraced in Lamar county shall receive their proportionate share of said funds.

SEC. 23. That all acts and parts of acts in conflict with the terms of this bill be, and the same are hereby, repealed.

SEC. 24. That this act be in force and effect from and after its passage.

Approved March 10, 1904.

CHAPTER 104.

H. B. No. 213.

AN ACT requiring railroads to settle all claims for lost or damaged freight within a reasonable time.

Railroads to settle claims for lost or damaged freight within reasonable time.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that all railroads, all corporations and individuals engaged as common carriers operating in this state shall be required to settle all claims for lost or damaged freight within a reasonable time, to wit: that freight lost or damaged between two given points on the same line, or system, shall be paid within sixty days from the filing of written notice with the agent of the railroad or other company at the point of destination of said freight of the loss or damage thereof. And where freight is handled by two or more roads or system of roads, and the same is lost or damaged, said claim shall be paid within ninety days from the filing of written notice with the agent of the railroad or other company at the point of destination of said freight, by the consignee of the loss or damage thereof; *provided*, that this section shall only apply to claims against such railroad or other companies where the amount claimed is fifty dollars (\$50) or less.

Twenty-five per cent damages assessed for failure to comply with this act.

SEC. 2. That any railroad or system of railroads, and all corporations and individuals engaged as common carriers, failing to comply with the provisions of section 1 of this act shall be liable to the consignee for twenty-five per cent damages on the amount recovered for such loss or damage after the time provided in this act within which such settlement shall be made.

SEC. 3. That all laws or parts of laws in conflict with this act be, and the same are hereby repealed.

SEC. 4. That this act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 105.

H. B. No. 222.

AN ACT to authorize the board of supervisors to pay school teachers who have taught public schools in counties where there is a deficit in the school funds, and the sureties on the county superintendent's bond have paid the full penalty of the bond.

To pay school teachers where deficit occurs in school funds in certain cases.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that in any county where public schools have been taught and the teachers have not all been paid, and the sureties on the official bond of the county superintendent of public education have paid the full penalty of the bond into the county treasury, any teacher who has taught a school under employment from the county superintendent, and has not been paid in full for services as such teacher, may file with the board of supervisors a claim against the county for the balance due, and the board of supervisors may examine all such claims and allow such as it may deem just, and authorize the same to be paid out of any general county funds in the hands of the county treasurer.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 14, 1904.

CHAPTER 106.

S. B. No. 280.

AN ACT to authorize county superintendents of education to appoint a deputy in case of sickness, and to provide for compensation of same.

County superintendent of education may appoint deputy in certain cases.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the county superintendent of education may, when prevented by sickness from attending to the duties of the office, appoint a deputy who shall be authorized to discharge all duties pertaining thereto.

Qualifications of deputy fixed.

SEC. 2. The qualifications of the deputy shall be the same as the qualifications of a first grade teacher.

Salary of deputy.

SEC. 3. That the deputy superintendent shall be paid not less than seventy-five per centum of the salary of the county super-

intendent shall receive for an equal period of time, and shall be paid out of the salary of the superintendent of education.

SEC. 4. That all acts in conflict herewith shall be, and are hereby, repealed.

SEC. 5. This act to take effect on and after date of passage.

Approved March 22, 1904.

CHAPTER 107.

H. B. No. 312.

AN ACT to make it unlawful for any state or county officer, entrusted by virtue of his office, or having in his possession or custody any funds, money, bonds, warrants or securities of any kind belonging to the state of Mississippi, or to any county or subdivision of any county in said state, to deposit, carry, send, or to permit to be deposited, carried or sent beyond the bounds of this state any part of such fund, money, bonds or securities, unless by due and legal authority.

Officer not to carry or deposit public funds outside of this state.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that it shall be unlawful for any officer of this state, or for any officer of any county in this state, to deposit, carry, send, or to permit to be deposited, carried or sent to any point beyond the confines of this state, any part of any fund, money, bonds or securities of any kind whatever belonging to the state of Mississippi, or to any county or subdivision of any county within this state, and which may have come into his possession or custody by virtue of his office, unless paid out by due and legal authority.

Penalty for violating provisions of this act.

SEC. 2. That any state or county officer violating the provisions of section 1 of this act shall, upon conviction, be fined not less than two hundred dollars (\$200) and not more than one thousand dollars (\$1,000), or by imprisonment in the state penitentiary for a term not exceeding five years, or both, at the discretion of the court.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 108.

H. B. No. 342.

AN ACT to create an institution for the deaf and dumb, a commission to select or purchase a suitable site, and the necessary plans and specifications and to authorize and provide for the erection of the necessary buildings for the institution for the deaf and dumb of the state.

Commission to select site of new deaf and dumb institute.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that there is hereby created an institution for the education of the deaf and dumb, a commission, consisting of the governor, who shall be *ex officio* president of the commission, attorney-general, and one commissioner to be selected and appointed by the governor, and one commissioner to be nominated by the senate and appointed by the governor, and one commissioner to be nominated by the house of representatives and appointed by the governor, and any vacancy upon said commission shall be filled by selection and appointment of the governor.

Members of commission not to be interested in contract; penalty for violating provisions of this act.

SEC. 2. That it shall be unlawful for any of said board, the secretary, the architect or superintendent of said building to be connected, either directly or indirectly, in any manner whatsoever, with any contract or part thereof, for the erection of said institution buildings or for any work connected therewith, or for furnishing any of the supplies or materials therefor, or to receive any benefit therefrom, or the promise of any benefit therefrom, either by way of commissions, rebates, bonus, division of profit or otherwise; and any one of said board—the secretary, architect, or superintendent of said buildings—who shall violate the provisions of this act shall be guilty of a felony, and upon conviction thereof shall be subject to a fine of not less than one thousand dollars (\$1,000) and imprisonment in the penitentiary not exceeding five years, and to be removed from the position he holds. It shall be unlawful for said board to employ any person in the supervision of or superintendence of the building of said institution who is in any way connected therewith, or who may or shall become in any manner connected directly or indirectly with any contract for the erection of said institution buildings, or for the furnishing of any of the supplies or materials therefor; and the said board of commissioners are hereby charged with a rigid enforcement of this act.

Commissioners to be sworn; penalty for violating oath.

SEC. 3. That each of said commissioners, secretary, architect and superintendent of said buildings shall, before entering upon the duties of his employment, take and subscribe to the following oath, to be endorsed upon said bond hereinafter provided for, and

to be administered by any one authorized to administer oaths, to wit: "I do solemnly swear that I am not now, and will not, directly or indirectly, become pecuniarily interested in, connected with or connive in any manner with any contractor or contractors, or person or persons, for the erection of the institution buildings or any portion thereof, or in the proceeds or profits growing out of the same, or any work or labor done therefrom, or material furnished in the erection of the same, so help me God." And should the said commissioners, architect, superintendent of buildings or secretary of said board offend against the true intent and meaning of this oath, he shall, upon indictment and conviction, suffer all the pains and penalties of perjury; and in case of violation of the condition of the bond hereinafter provided for, he shall be liable to an action thereon in the courts of Hinds county, and a judgment in favor of the state for such damages as may be awarded against the obligators therefor by reason of the principal.

Meeting of commissioners; salary fixed; mileage allowed.

SEC. 4. That within ten days after qualifying as commissioners, the said board shall meet at the seat of government for the completion of their organization. The three commissioners appointed by the governor shall each receive a compensation of five dollars (\$5) per day for the time actually engaged while superintending the construction of said buildings, but shall not receive more than two hundred dollars (\$200) per year each, and their railroad fares in coming to and returning from the city of Jackson and attending the meetings of said commissioners.

Cost of building complete not to exceed seventy-five thousand dollars (\$75,000); how site to be selected.

SEC. 5. That the cost of said building complete in every respect, including all expenditures connected therewith, and including all furniture and fixtures for same, shall not exceed seventy-five thousand dollars (\$75,000). And it shall be the duty of said commission to select a site for a location of said institution, in or near the city of Jackson, but in case the commission should fail to find such land belonging to the state, they shall, and are hereby, authorized to purchase, after properly advertising and considering all the bids sent in, such site within the above described bounds not to exceed one hundred and sixty acres, nor to cost more than twenty-five thousand dollars (\$25,000).

Superintendent of institution to act as secretary of commission; bonds and contracts to be recorded; duties of the secretary.

SEC. 6. That the superintendent of the institution shall act as secretary to said board without compensation. He is to keep a true and correct record of all the proceedings of the board. He shall make and keep a record of all contracts and obligations made and entered into by and with the board. He shall attest all certificates ordered by the board. He shall keep a set of books showing all expenditures on account of the institution buildings, and

showing at all times the financial condition of said board and of said funds appropriated for and applicable to the purpose of this act and all matters relating thereto. He shall, at such time as the board may require, prepare a financial report containing an itemized and classified statement of all expenditures for such time as said board may prescribe, and a list of all vouchers issued, showing to whom and for what purposes they were issued, when approved by the board, shall be filed in the office of the auditor of the state, and a copy transmitted by the board to the legislature at the succeeding session. All contracts made with said board, and all bonds required by said board, shall be regularly passed upon by said board in session, and, if adopted and approved by a majority of said board, they shall be recorded in a book kept for that purpose, and a copy of such contracts shall be made out and certified by the secretary and endorsed "approved," with the date of approval, and delivered to the other party to the contract. Until such delivery no such contract shall be valid or binding on either party. No party required by said board to give bond shall receive any money from the state treasury or warrant or certificate therefor until said bonds have been recorded as herein required. All such bonds, upon being recorded, shall be filed in the office of the auditor of state, by whom they shall be preserved. All other vouchers, statements, files and papers relating to the erection of said buildings shall be kept and preserved by the secretary. He shall perform such other duties as may be required of him by said board.

Adoption of plans; compensation of architect.

SEC. 7. That it shall be the duty of said board as soon as practicable after the passage of this act to pay the architect a reasonable price for the plans and specifications adopted by the board of trustees and superintendent (which plans shall be adopted after a competitive architectural contest). The architect employed to construct the buildings shall be required to give his full professional services to the erection and completion of the buildings, and the board may at any time discharge the architect at the discretion of the commissioners. Nothing herein contained shall be construed to prevent said commission from employing such architect as it may deem best and advisable, whether he be the architect whose plans and specifications were chosen, or adopted, or another.

Architect to give bond; plans to be filed and must be certified; duties of contractor.

SEC. 8. That the architect of said buildings shall be required to enter into contract with bond with sufficient sureties in such sum as said commissioners shall require; condition to require the architect to be strictly held liable for the entire accuracy of the plans and specifications; and that they be accurately set forth and contain a minute description of all the work and materials required to erect and fully complete said buildings in a firm and in the very best substantial, workmanlike manner; and be held responsible for

the accuracy and completeness of all work and quality of material upon which he certifies payment to the board of commissioners of said buildings, that the work is performed and materials furnished in the erection of the building is in strict accordance with the requirements of the plans, specifications and contracts of said buildings. The plans and specifications, detail, and all working plans of the construction of said buildings, shall consist of the following: One complete set to be filed by the board of commissioners as a part of their records; one set for the office and reference use of said board; one complete set for the superintendent and contractors of said buildings. All said plans shall be certified to on each by the board of commissioners and architect as being correct copies of the original plans and specifications on file with the board. The contractor of said buildings shall be required to examine carefully the copy of plans he receives and to certify that they are a true and correct copy of the original plans on file with the board of institution commissioners.

Commissioners to appoint a superintendent of construction; compensation of same; reports to be made by superintendent.

SEC. 9. That the board shall appoint a superintendent of construction of the buildings who shall be required to take the same oath as is provided for in sections 2 and 3 of this act. He shall be paid the sum not to exceed seven dollars (\$7) per day for his services, *provided* the full amount received by him shall not exceed seven hundred and fifty dollars (\$750), and shall perform such services in the construction of the buildings as the board of institution commissioners shall prescribe; he shall qualify by giving bond to be approved in the sum of five thousand dollars (\$5,000), conditioned for the faithful performance of the duties of his position. He shall furnish and file at each meeting of the board, or at any time required by the board, a statement showing the quality and character of the work performed, and state if the materials and work are in accordance with the requirements of the plans and specifications. It shall be his special duty to give his constant personal attention to the work as it progresses; it shall be the duty of the board to furnish the superintendent with a copy of all contracts, specifications, plans and details of drawings.

How disbursements of money to be made; bills to be acted upon at regular sessions.

SEC. 10. That all disbursements on account of the institution buildings shall be made upon certificates in duplicate issued by the board. All bills, claims, demands for labor performed, work done, or materials furnished, shall be presented to the board in duplicate and shall be passed upon by said board at regular session thereof; and, after careful examination of every item named, if found correct, they shall audit the same, preserving one duplicate and transmitting the other as audited and allowed to the state auditor, and shall issue a certificate to the effect that materials have been furnished or services rendered for the amount therein named,

and the party in whose name the certificate is made is entitled to a warrant upon the treasurer for the amount therein named. Upon the presentation of said certificate and vouchers therefor, as audited and approved by the board as herein provided, to the state auditor, he shall draw his warrant upon the state treasurer when the appropriation hereafter made for the amount stated and to the order of the person named in the certificate.

Attorney-general to be legal adviser.

SEC. 11. That the attorney-general shall be the attorney and legal adviser of the board.

Buildings to be located by commissioners.

SEC. 12. That the new buildings for the said institution for the deaf and dumb shall be located by the said board of commissioners and board of trustees and the superintendent of said institution on the site selected or purchased by the said board of commissioners.

Commission to advertise for bids; how contract to be let; allowances for work done; contractors to insure property.

SEC. 13. That said board of commissioners shall, when ready to let the contract for building said institution, advertise in at least three papers—one at Jackson, one at Meridian, Miss., and one at Vicksburg, Miss.—for bids for the construction of said institution buildings, which advertisements shall announce in substance that the state of Mississippi expects and is preparing to erect new buildings for the institution of the deaf and dumb, a general description of which the secretary of the board of institution commissioners will furnish to any architect or contractor upon request. Should the board be satisfied that any lowest bidder is not competent to the performance of his contract, or should he fail within twenty days to execute the bond or enter into contract in such terms as the board shall require, they may give the contract to the next lowest responsible bidder; they shall require of the person or persons taking such contract to enter into bond in such sum as they may deem for the best interest of the state. No contract shall be let unless there is furnished by the contractor an itemized estimate, stating all the quantities and cost of each part of the work required in the construction of the buildings. No payments on work or materials required by the plans and specifications, and not set forth in the schedule, shall be made to the contractors during the construction of said buildings, and all estimates shall be based only on the prices named in the said schedule, the board reserving twenty-five per cent on each estimate until the final completion of the buildings. Said schedule submitted by the contractors must first be approved by the board of commissioners. Said approvals shall not be so construed as to relieve the contractor or contractors of their responsibilities as to its accuracy or that it does set forth and embrace accurately a description of all the work or materials required to erect and complete the buildings, it being understood that the schedule is only

required to be used as a basis to make payments to the contractors during the construction of the buildings. All of said contractors shall procure, take out, and keep in force builder's insurance upon the unfinished buildings and material, for an amount equal to any and all payments to him, or advanced to him by the state, and all such insurance shall be at the expense of such contractor or contractors, and shall be payable to the state as its interest may appear.

Certain members of commission to give bond to be approved by chief justice.

SEC. 14. That each of said commissioners, except the governor and attorney-general, and the superintendent of said building, shall, before entering upon the duty of his employment, execute a bond in favor of the state in the sum of two thousand dollars (\$2,000), with good and sufficient sureties, conditioned for the faithful performance of their duties. Said bonds to be approved by the chief justice of the supreme court, and to be filed in the office of the secretary of state.

Members of legislature not to serve on commission.

SEC. 15. That no member of either branch of the legislature shall serve as a member of said institution commission, nor shall any other state officer, except those named in this act, serve on said commission.

Commission to contract for heating and lighting apparatus.

SEC. 16. That the commission is hereby empowered to contract for heating and lighting apparatus with other parties than those contracting for the buildings.

Commission to sell property now occupied by institute.

SEC. 17. That said board of commissioners, with the board of trustees of said institution, are hereby vested with authority to sell, upon the very best terms possible, the buildings and real estate now occupied by the white departments of the said institution for the deaf and dumb, as a whole or divided into lots, and shall cover the proceeds of such sales into the state treasury, to the credit of the general fund.

No person related to commissioners to be employed.

SEC. 18. It shall be unlawful for said commission to employ any architect, supervisor, or erector of the building, or other officer or employee about the erection and completion of said building who shall be in the remotest degree related to the said commission, or either of them, either by affinity or consanguinity, and no person employed to superintend the construction of said building shall be in any degree, either by affinity or consanguinity, related to said commissioners or to the person or persons who shall be awarded the contract to erect said building. That for a disregard of this section all members of said commission voting to employ any such person or persons in disregard of this section shall be liable to all the pains and penalties provided in this bill.

SEC. 19. That the said board of commissioners shall make a full report, including an itemized statement of all expenditures, to the next legislature.

SEC. 20. That this act take effect and be in force from and after its passage.

Approved March 14, 1904.

CHAPTER 109.

H. B. No. 358.

AN ACT to create a permanent capitol commission and to define the duties thereof.

Permanent capitol commission created; its powers and duties defined.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that there is hereby created a permanent capitol commission, consisting of the governor, who shall be *ex officio* president of the commission, secretary of state, insurance commissioner, and state revenue agent, whose duties it shall be to provide the necessary furniture for the various offices and departments of the new capitol building and to landscape and otherwise improve the grounds thereof, which work shall not be ordered done except by majority vote of said commission, and whose further duty it shall be to exercise general supervision and care over and keep in good condition all of the state property located in the city of Jackson not now under control of a board of trustees. All monies expended by said commission shall be drawn out of the state treasury only upon the warrant of the auditor, who shall only issue the same where a specific itemized account shall have been rendered him, which account shall be approved in writing by at least a majority of said commission. The above mentioned members are to perform said duties without compensation.

Commission to employ a superintendent to supervise the work of construction.

SEC. 2. Said commission shall have power and is hereby authorized to employ some suitable and competent person at a salary to be fixed by said commission, and not to exceed twelve hundred dollars (\$1,200) per annum, to be hereafter provided for by proper appropriation, whose duty it shall be to give his entire time and attention to the supervision of the capitol building and grounds, and whose term of office shall be one year and till his successor is appointed, unless sooner removed for cause by said commission. Said commission may also employ any other necessary help as in their opinion is necessary, to be paid out of the general appropriation to be made for beautifying said capitol grounds.

SEC. 3. All laws or parts of laws in conflict with this act are hereby repealed.

SEC. 4. That this act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 110.

H. B. No. 383.

AN ACT to ratify sale made by state board of health of the steamer New York and fumigating barge to the quarantine board of Mobile bay for three thousand dollars (\$3,000), and authorizing the secretary of the state board of health to cover the said money into the state treasury.

Sale of steamer and fumigating barge by board of health confirmed.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the sale made by the state board of health of the state of Mississippi of the steamer New York and fumigating barge to the quarantine board of Mobile bay on the 29th day of August, 1898, at and for the sum of three thousand dollars (\$3,000) be, and the said sale is hereby, ratified, and all title and interest of this state in said property is hereby canceled.

Secretary to pay funds into the state treasury.

SEC. 2. That Dr. J. F. Hunter, secretary of the state board of health, who has had said three thousand dollars (\$3,000) in his custody since the date of said sale, be, and he is hereby, authorized and directed to cover the said money into the state treasury.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved March 5, 1904.

CHAPTER 111.

H. B. No. 399.

AN ACT to require manufacturers or dealers of commercial fertilizers offered for sale in this state to so brand such fertilizers as to indicate the constituent elements of available plant food contained therein.

To require dealers in fertilizer to brand their products.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that all commercial fertilizers offered for sale in this state shall have branded on the bags or other packages containing the same either in words "high grade," the word "standard," or the words "off grade."

How packages to be branded.

SEC. 2. The words "high grade" shall not appear on any bag or other package of any complete fertilizer which contains by its guaranteed analysis less than ten per cent of available phosphoric acid, one and sixty-five-hundredths per cent of nitrogen (equivalent to two per cent ammonia), and two per cent of potash, or a grade of equal total commercial value; nor shall the words "high grade" appear upon any bag or other package of any acid phosphate and potash which shall contain by its guaranteed analysis less than thirteen per cent of available phosphoric acid and one per cent of potash; nor shall the words "high grade" appear upon any bag or other package of any plain acid phosphate which shall contain by its guaranteed analysis less than fourteen per cent of available phosphoric acid.

Brand to indicate the character of contents.

SEC. 3. The word "standard" shall not appear on any bag or other package of complete fertilizer which contains by its guaranteed analysis less than eight per cent of available phosphoric acid, one and sixty-five-hundredths per cent of nitrogen (equivalent to two per cent ammonia), and two per cent of potash, or a grade of analysis of equal total commercial value; nor shall the word "standard" appear upon any bag or other package of any acid phosphate with potash which shall contain by its guaranteed analysis less than eleven per cent of available phosphoric acid and one per cent of potash; nor shall the word "standard" appear upon any bag or other package of any plain acid phosphate which shall contain by its guaranteed analysis less than twelve per cent of available phosphoric acid.

What grades of fertilizer not to be sold.

SEC. 4. No complete fertilizer, acid phosphate with potash and nitrogen, or a fertilizer carrying acid phosphate with nitrogen, or acid phosphate with potash, or plain acid phosphate, shall be offered for sale in this state, which contains less than twelve per cent of total available plant food, viz.: available phosphoric acid, nitrogen and potash, either singly or in combination.

SEC. 5. Cotton seed products are hereby excepted from the operation of this act.

SEC. 6. This act shall take effect and be in force from and after September 1, 1904.

Approved March 22, 1904.

CHAPTER 112.

H. B. No. 434.

AN ACT to provide for the management, control and supervision of the state charity hospital at Vicksburg, Mississippi, and to repeal all laws in conflict with this act, and for other purposes.

Board of trustees to manage Vicksburg charity hospital created.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the management of the state charity hospital at Vicksburg, Miss., shall be in a board of seven trustees whose term shall be for four years each, five of whom shall be appointed by the governor, one by the board of mayor and aldermen of the city of Vicksburg, and one by the board of supervisors of Warren county, and the governor, upon good and sufficient cause, shall have power to remove any of the said trustees or other officers of the hospital.

Governor to appoint a surgeon and trustees to elect a steward; visiting staff to be designated.

SEC. 2. The governor shall appoint a surgeon, and the trustees shall select a steward, to be approved by the governor. That the surgeon so chosen shall receive a salary of one hundred and fifty dollars (\$150) per month, payable monthly, and said steward shall receive a salary of seventy-five dollars (\$75) per month, payable monthly, and each shall serve for a term of four years, unless they, or either of them, shall be sooner removed for good and sufficient cause, by the governor or the board of trustees. That the said trustees shall have the power, in their discretion, to designate four or more other physicians or surgeons as a visiting staff of the hospital, and to provide the duties of each member of said staff. The term of each member of said visiting staff shall be regulated by the trustees.

Majority of trustees to constitute a quorum.

SEC. 3. A majority of the trustees shall constitute a quorum of the board to do any business connected with the hospital, except the repeal of a by-law, for which purpose it shall require the concurrence of at least five of the trustees.

Trustees to have charge of internes.

SEC. 4. That the board of trustees shall have charge of the internes of the hospital, and shall manage and direct its affairs, and make all proper by-laws and regulations for its control and government not contrary to law.

Supplies to be bought by trustees by competitive bidding.

SEC. 5. That all supplies of every kind whatsoever which may be necessary for the conduct and maintenance of the hospital shall

be purchased by the said trustees, who shall, as far as possible, buy them at wholesale prices and by competitive bidding.

SEC. 6. That all sums appropriated for the maintenance of the hospital shall be drawn monthly as may be needed by them, only upon an itemized account with vouchers of each and every item thereof, to be audited by the board of trustees and approved by the governor.

Trustees to make regular inspections of hospital.

SEC. 7. The trustees shall make regular and frequent inspections of the hospital, for which purpose one or more of them shall visit it at least once in every month, and they shall hold a meeting of the board at the hospital once every three months, or oftener if necessary.

Board to keep a record of all its doings.

SEC. 8. The board of trustees shall keep in a suitable book a fair and full record of all its doings, which shall be open at all times for the inspection of the governor and all persons whom he or either house of the legislature may appoint to examine the same.

Surgeon to have general charge of hospital and employees.

SEC. 9. The surgeon shall have general charge of the hospital, its sanitary condition, the supervision of its grounds and buildings, with their furniture; the direction and control of the employees and internes, subject to the by-laws and regulations of the board of trustees, and attend to all the duties necessary to the successful conduct of the hospital.

Surgeon to keep record of operations of the institution and register of all patients admitted.

SEC. 10. The surgeon shall cause full and fair accounts and records of all his doings and of the entire business and operation of the institution to be kept regularly from day to day in books provided for that purpose, in the manner and to the extent prescribed in the by-laws; and shall see that all accounts and records are fully made up, and presented to the board at each quarterly meeting. He shall also keep a register in which he shall enter at the time of admission the date and reception of each patient, with name, age, sex, color, residence and nationality, and date of discharge or death, and all the expenditures of the hospital.

Steward required to give a bond.

SEC. 11. The steward shall give bond for the faithful performance of his duty in such sum and with such sureties as the board of trustees may prescribe and approve, which bond shall be payable to the state, and the board of trustees may require from time to time renewal of said bond.

Steward to keep account of all daily disbursements; must settle with surgeon monthly.

SEC. 12. The steward shall keep a regular account of all daily disbursements for the institution, take vouchers for all payments

and keep carefully and file away all original bills for supplies purchased for the hospital, and settle his account with the surgeon once in every month and with the board, once in every three months. He shall keep his books posted, and his books and accounts always open for the inspection of the surgeon, the trustees, the governor and the committees of the legislature.

Steward held accountable for all furniture and supplies and property of the institution.

SEC. 13. The steward shall be accountable for the careful keeping and economical use of all furniture, stores or other articles, provided for in the hospital. He shall annually make and file with the board of trustees a true and perfect inventory, verified by oath, of all personal property and supplies of every description belonging to the hospital, with the estimated value of different articles, and do and perform such other duties as shall be required of him by the by-laws adopted by the board of trustees.

Officers and employees not to receive other compensation than prescribed in this act.

SEC. 14. That no surgeon, internes or member of said visiting staff shall receive any fee or compensation whatever for his services save and except the salary herein provided for for said surgeon and steward, and any one violating this provision shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty dollars (\$50), nor more than two hundred and fifty dollars (\$250), or imprisoned in the county jail for not less than thirty days, and not more than two months, or both.

Meeting and organization of trustees. Financial report, how made and what to contain.

SEC. 15. The board of trustees shall meet on the first Monday of the month following their appointment, and shall organize by electing a president and secretary, and shall make all needful by-laws, and shall make a report to the legislature every two years, detailing the operation of the hospital for the previous two fiscal years, and accounting for the expenditures thereof. The financial report shall begin with the balance at the date of the previous report, and shall embrace all money appropriated for the hospital and received from any source, and shall show the expenditures and for what purpose expended, and any balance. The report shall also contain the two annual reports of the surgeon consolidated. In no case shall the surgeon or steward be related to the trustees.

Patients admitted only on physician's certificate.

SEC. 16. That no person shall be admitted as a patient into the hospital except on the certificate of some reputable physician, or other satisfactory evidence that the applicant was in indigent circumstances and worthy of admission.

SEC. 17. That all laws or parts of laws in conflict with this act are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 113.

H. B. No. 594.

AN ACT to make an appropriation to purchase or build a patrol boat for the use of the board of oyster commissioners, and the inspectors appointed by said board in patrolling the waters of the Mississippi sound, in protecting the natural reefs in said sound.

Appropriation to purchase a patrol boat for protecting oyster reefs.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the sum of three thousand dollars (\$3,000), or so much thereof as may be necessary, is hereby appropriated out of the oyster fund for the purpose of purchasing or building a suitable patrol boat to be used by said oyster commission, and the inspectors appointed by said board in patrolling the waters of the Mississippi sound, in protecting the natural oyster reefs and enforcing the provisions of chapter 58, acts of 1902.

Oyster commission to purchase patrol boat.

SEC. 2. That said board of oyster commissioners is hereby authorized to purchase said patrol boat and pay therefor out of the appropriation herein provided for.

May build same if suitable boat cannot be purchased.

SEC. 3. That in the event that a suitable patrol boat cannot be found, said oyster commission is hereby authorized to have said patrol boat built by some competent mechanic and boat builder, according to plans and specifications furnished by said board and under the direction and supervision of said board. That said board of oyster commissioner shall draw their warrants for the purchase or for the building of said boat as now provided by law out of the oyster fund, not to exceed the said sum of three thousand dollars (\$3,000), and shall submit an itemized account of all expenditures made under the provision of this act in their report to the legislature.

SEC. 4. That this act take effect from and after its passage.

Approved March 18, 1904.

CHAPTER 114.

S. B. No. 202.

AN ACT to repeal the act incorporating the town of Rolling Fork, the county seat of Sharkey county, approved March 5, 1880, and amendments thereto, approved March 3, 1882, and March 13, 1884.

Charter of the town of Rolling Fork repealed.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that "An act to incorporate the town of Rolling Fork,

the county seat of Sharkey county," approved March 5, 1880, and "An act to amend an act to incorporate the town of Rolling Fork, the county seat of Sharkey county, approved February 25, 1880," approved March 3, 1882, page 807 of laws of Mississippi, 1882, and "An act to amend the charter of the town of Rolling Fork," approved March 13, 1884, pages 757 and 758, laws of Mississippi, 1884, and all other amendments to said act, approved March 5, 1880, be, and are hereby, repealed and held for naught.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 115.

S. B. No. 323.

AN ACT entitled an act to repeal an act to incorporate the town of Pelahatchie, in the county of Rankin, chapter 317, laws of 1882, approved March 3, 1882.

Charter of the town of Pelahatchie repealed.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that an act to incorporate the town of Pelahatchie, in the county of Rankin, chapter 317, laws of 1882, approved March 3, 1882, be, and the same is hereby, repealed.

SEC. 2. That this act be in force and take effect from and after its passage.

Approved March 16, 1904.

CHAPTER 116.

H. B. No. 483.

AN ACT to amend section 4 of the charter of the city of Vicksburg, approved March 7, 1884, so as to provide for the election of ten aldermen instead of eight, as now provided by said charter.

City of Vicksburg empowered to elect ten aldermen.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 4 of the charter of the city of Vicksburg, approved March 7, 1884, be, and the same is hereby, so amended as to read as follows: Section 4. That a general election to fill all municipal offices made elective by the people shall be held on the first Tuesday in December, 1904, and every four years thereafter, on that day, between the hours and in the manner prescribed by law for state elections. The newly elected officers shall qualify and

enter upon the duties of their respective offices on the second Tuesday in January succeeding their election, and to continue in the discharge thereof until their successors are elected and qualified. The present officers of said city shall hold their offices until the second Tuesday in January, 1905, and until their successors are elected and qualified. At said election, in addition to the two aldermen which are provided for by law from each ward, there shall be two aldermen elected for the city at large by the qualified electors of said city, making the number of aldermen of said city ten instead of eight, as now provided for by law.

SEC. 2. That section 1 of an act entitled an act to amend the charter of the city of Vicksburg, approved March 7, 1884, which act was approved March 18, 1886, and all acts and parts of acts in conflict with this act be, and they are hereby, repealed, and that this act shall take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 117.

H. B. No. 598.

AN ACT to repeal chapter 420, acts of 1884, incorporating the town of Heidelberg, in Jasper county, state of Mississippi.

Charter of the town of Heidelberg repealed.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that chapter 420 of the acts of 1884, incorporating the town of Heidelberg, in the county of Jasper, in the state of Mississippi, be, and the same is hereby, repealed.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 118.

H. B. No. 356.

AN ACT to amend section 3 of chapter 305 of the acts of 1888 in reference to the cotton weigher of Prentiss county.

Defining duties of cotton weigher of Prentiss county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 3 of chapter 305 of the sheet acts of 1888, relative to the cotton weigher of Prentiss county, be, and the same is hereby amended so as to read as follows:

That it shall be the duty of the cotton weigher of Prentiss county to weigh, mark, dock and state damage (on ticket printed for said purpose), all cotton sold or shipped at the town and shipping points in said county, and he shall be entitled to pay at the rate of ten cents per bale for each bale so weighed and marked, to be paid by the seller.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 119.

S. B. No. 75.

AN ACT to repeal section 8 of chapter 250, acts 1890, approved January 31, 1890, in relation to salaries paid members of the board of supervisors of Madison county.

Repealing public road law in Madison county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 8 of chapter 250, acts of 1890, approved January 31, 1890, and entitled "An act to insure the better working of the public roads in the county of Madison and for other purposes," be, and the same is hereby, repealed.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 12, 1904.

CHAPTER 120.

H. B. No. 352.

AN ACT to amend section 3 of chapter 356 of the acts of 1890 and acts amending and supplementing chapter 379 of acts of 1888, approved February 7, 1890, so as to allow hogs to run at large in the territory created by said act from the first day of November to the first day of February following.

Code amended so as to fix the time in which hogs shall be allowed to run at large.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 3 of chapter 356 of the acts of 1890, entitled "An act amending and supplementing chapter 379, sheet acts of 1888," be, and the same is hereby amended so as to read as follows:

That it shall not be lawful for any one living in the territory embraced in this act to allow any animal to run at large, knowing

the same to be a fence-breaking animal, and for any violation of this section shall be dealt with according to the foregoing provision of this act, provided that no stock belonging outside of the specified territory shall be subjected to the conditions of this act, and further provided that from the first day of November to the first day of February all hogs may run at large in the territory covered by this act and said chapter 379 of sheet acts of 1888.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 121.

S. B. No. 118.

AN ACT to amend chapter 112 of the acts of 1896 to authorize county boards of supervisors and trustees of separate school districts to appropriate balances in the treasury to the credit of the school fund to the improvement of school buildings, and to provide for the disposition of unappropriated balances thereof, and to prohibit the loaning or division of school funds.

School authorities authorized to use certain funds for improving school houses, etc.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that chapter 112 of the acts of 1896 of the laws of the state of Mississippi, be amended to read as follows:

If there shall remain a balance in the treasury to the credit of the school fund of the several counties and separate school districts on the 30th day of September in any year, the board of supervisors and trustees of separate school districts during the month of October following may apply such balance to the building, repairing or furnishing with school furniture or apparatus such schoolhouses which belong to the county or separate school districts, not appropriating to any school located in the county or separate school district an amount greater than one hundred and fifty dollars (\$150), unless an amount equal to any excess of this sum, to be appropriated by the county, be contributed and paid into the county treasury by the patrons of the public schools making such application and receiving such appropriation. All balances not so appropriated shall be carried forward to the school fund for the next scholastic year, and it shall be unlawful to loan or transfer temporarily or otherwise any portion of the school fund to any other county or city fund in which the separate school district may lie.

SEC. 2. That this act be in force and take effect from and after its passage.

Approved March 11, 1904.

CHAPTER 122.

S. B. No. 269.

AN ACT to amend chapter 116 of the acts of 1896 of the laws of the state of Mississippi so as to change the total number of trustees of the University of Mississippi as provided for in said act, from fifteen to sixteen.

Trustees of the university increased to sixteen.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that chapter 116 of the acts of 1896 be amended to read as follows:

Government trustees: The government of the university is vested in a board of trustees, the members of which, sixteen in number, shall be appointed by the governor, with the advice and consent of the senate. One trustee shall be selected from each congressional district and eight from the state at large. They shall hold their offices for six years; but the trustees whose terms of office do not expire during the year 1896, and those to be next appointed, shall hold their offices so that one-third of their number will go out of office every two years, and they shall determine by lot which of them shall hold for two, which for four, and which for six years, and the result shall be by them certified to the governor. Thereafter appointments shall be made as vacancies occur, so as to keep sixteen trustees in office.

SEC. 2. Section 4446 of the said code is hereby repealed; and this act shall take effect and be in force from and after its passage.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 123.

S. B. No. 208.

AN ACT to amend section 2 of an act, being chapter 218 of the pamphlet acts of 1896, approved March 11, 1896, entitled "An act to amend an act entitled an act to revise and reduce into one, an act entitled an act to incorporate the Columbus Life and General Insurance Company, approved February 14, 1852, and amendatory acts thereto, approved February 1, 1856, January 28, 1862, December 9, 1863, and February 16, 1867, and for other purposes."

Amending charter of Columbus Life and General Insurance Company.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 2 of an act, being chapter 218 of the pamphlet acts, laws of Mississippi, 1896, approved March 11, 1896, entitled "An act to amend an act entitled an act to revise and reduce into one, an act entitled an act to incorporate the Columbus

Life and General Insurance Company, approved February 14, 1852, and amendatory acts thereto, approved February 1, 1856, January 28, 1862, December 9, 1863, and February 16, 1867, and for other purposes," be, and the same is hereby, amended so as to read as follows:

Duties and powers of directors defined.

SEC. 2. That the business of the company shall be managed and controlled by nine directors, chosen annually from the stockholders, who shall hold their offices until their successors are elected and qualified; which said directors shall elect one of their number president, and may appoint such other officers, servants and agents, as to them shall seem best, and may make any by-laws, rules and regulations for the management and control of the business, property and effects of said company (provided the same are not contrary to the constitution and laws of this state or of the United States) as to them may seem best.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved February 20, 1904.

CHAPTER 124.

S. B. No. 198.

AN ACT to amend section 1, chapter 41, laws of 1898, authorizing boards of supervisors to sell timber and wood on sixteenth sections of lands reserved for the use of schools, and lands taken in lieu of such sixteenth sections, and to lease them for a term not exceeding twelve months for turpentine purposes, so as to include sale of all merchantable timber.

Authorizing boards of supervisors to sell timber on sixteenth section school lands; may also lease same for turpentine orchards.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 1, chapter 41, laws of 1898, be, and the same is hereby, amended so as to read: That the board of supervisors in counties having control of any sixteenth sections of land, or a part of such section, or of another section or part of a section taken in lieu of any sixteenth section, or a part thereof, reserved for the support of township schools be, and they are hereby, authorized and empowered to sell the merchantable timber of any and all varieties, and wood on such land, or to lease for a term not exceeding three years said lands for turpentine or pasturage purposes for a term not exceeding one year.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 18, 1904.

CHAPTER 125.

S. B. No. 197.

AN ACT to so amend section 12 of an act entitled "An act to divide the county of Bolivar into two circuit court and chancery court districts, to authorize the board of supervisors of said county to issue bonds to amount of thirty thousand dollars (\$30,000) and to sell same for the purpose of erecting a court-house and jail, and for other purposes," approved March 1, 1900, as to provide for separate land and personal assessment rolls, approval of same and payment of taxes in the district in which property is situated."

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 12 of an act entitled "An act to divide the county of Bolivar into two circuit court and chancery court districts, to authorize the board of supervisors of said county to issue bonds to amount of thirty thousand dollars (\$30,000), and to sell same for the purpose of erecting a courthouse and jail, and for other purposes," approved March 1, 1900, be and is so amended as to read as follows:

Assessment rolls in Bolivar county; how made up and filed.

The assessor of said county shall assess all of the taxable property in said county within the time and in the manner authorized or required by law, and he shall at the time required by law prepare and file with the clerk of the board of supervisors of said county at Rosedale the assessment roll or rolls made by him, except that such roll or rolls shall contain and embrace only all of the taxable property, real or personal, or both, as the case may be, lying or being situated in the said first circuit and chancery court district in said county, and he shall at the same time prepare and file with the clerk of the board of supervisors of said county at Cleveland a separate roll or rolls, except that said last named roll or rolls to be filed at Cleveland as aforesaid shall contain and embrace only all of the taxable property, real or personal, or both, as the case may be, lying or situated in the said second circuit court and chancery court district of said county, and the said board of supervisors shall allow and pay from the county treasury to said assessor for preparing and filing rolls as herein required such compensation as is authorized or provided by law for such services, and the said clerk shall be required to make two duly certified copies of each of said rolls filed at Rosedale and Cleveland as herein required immediately after the same have been examined and approved by said board of supervisors of said county, one copy of each of said rolls to be delivered by said clerk to the tax collector of said county, and one copy of each of said rolls shall be forwarded, as provided by law, to the land commissioner.

Objections to same, how to be made and filed; duty of clerk with reference thereto.

All objections to the said rolls filed at Rosedale shall be made and filed with said clerk at Rosedale within the time now required by

law, and all objections and exceptions to the said rolls filed at Cleveland as herein required shall be made and filed with the clerk of said board at Cleveland within the time fixed by law. And it shall be the duty of said clerk to lay all of said objections and exceptions to the said roll or rolls filed at Cleveland before said board when it shall meet to examine and pass upon the said roll or rolls filed at Cleveland as hereinafter provided, and to lay before said board all of said objections and exceptions to said roll or rolls, filed at Rosedale, when it shall meet at Rosedale to examine and pass upon the said last named roll or rolls, as hereinafter provided.

Meetings of the board of supervisors for hearing objections; to meet both at Cleveland and Rosedale.

At the time fixed by law for the examination and approval or rejection of assessment rolls, the said board of supervisors shall meet at Cleveland, in said county, and shall hear and determine all objections and exceptions to said rolls filed at Cleveland, as hereinbefore required. And at such meeting the said board shall examine and pass upon, correct, and approve or reject, as authorized by law, the said rolls filed at Cleveland as aforesaid, and one week later the said board shall meet at Rosedale, in said county, and shall hear and determine all objections and exceptions to said rolls filed at Rosedale, as hereinbefore required, and at such last named meeting the said board shall examine and pass upon and correct and approve, or reject, as authorized by law, the said rolls filed at Rosedale as aforesaid, and at the proper time, and as provided by law, the said board, sitting at either Rosedale or Cleveland, shall levy taxes as authorized by law upon all of the taxable property in said county and embraced in the said assessment rolls filed at Rosedale and Cleveland as aforesaid, and any and all taxes levied upon any property taxable in said county shall be paid at the time and in the manner provided by law, except that all taxes assessed upon, or shown by the said rolls filed at Rosedale, shall be paid to the tax collector of said county at Rosedale in said county, and all taxes assessed upon, or shown by the said rolls filed at Cleveland shall be paid at Cleveland, in said county, and the tax assessor of said county shall be entitled to such compensation for the making of said rolls as is now provided and allowed by law.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 3, 1904.

CHAPTER 126.

H. B. No. 362.

AN ACT to amend sections 1, 2, 3, 4, 5 and 6 of chapter 48 of the laws of 1900 by granting five years exemptions to mineral manufacturing.

Amendment exempting "mineral manufacturing" from taxation.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 1 of chapter 48 of the laws of 1900 be amended so as to read as follows:

That all factories or plants of the kind hereinafter named which are now in course of establishment, or which shall hereafter be established in this state before the first day of January, 1910, shall be exempt from all state, county, and levee taxation for a period of five years, viz.: all factories for working cotton, jute, ramie, wool, silk, furs, minerals, and in making cements, cement plaster or lime, or metals; all factories for manufacturing agricultural implements, machinery, implements or articles of use in a finished state and ready for the consumers use without additional process of labor; all factories for making wagons, carriages, buggies, clothing, or shoes complete; all factories for making barrels or boxes complete, whether coopered or loose, ready for transportation, and all creameries.

When factory exemptions to begin; how same must be obtained.

SEC. 2. Any exemptions under the provisions of this act shall commence from the date of the charter, if the factory, establishment or enterprise be owned by a corporation; and if an individual enterprise, from the date of the commencement of the work. A person or corporation claiming exemption from taxation under this act shall apply in writing to the auditor of public accounts, giving full information as to the property proposed to be exempted, the kind of articles to be manufactured, and the auditor, with the written advice of the attorney-general, shall determine whether the property is exempt. The auditor shall notify the chancery clerk of the county in which such factory or enterprise may be located, in writing, of his decision in the premises, stating the property to be exempted and the date when the exemption begins and ends, and the chancery clerk shall record such statement in a book to be kept in his office for the purpose; and the auditor shall record and preserve, in a record to be kept for such purpose in his office, all opinions so rendered by him, and statements furnished to the chancery clerk relative to such exemptions.

Existing exemptions not to be affected or impaired.

SEC. 3. The provisions in this act shall in no wise affect or impair any exemption granted to factories or other enterprises under the provisions of laws heretofore in force in this state.

SEC. 4. A factory or factories or other enterprises exempted from taxation under the provisions of this act which may belong to or being a trust, combine, or pool shall not enjoy such exemptions.

Municipalities authorized to make like exemptions.

SEC. 5. That all cities, towns or villages are hereby authorized to encourage the establishment of such factories and plants within their respective corporate limits by exempting the same from municipal taxation for a period of not longer than ten years.

SEC. 6. That this act take effect and be in force from and after its passage.

Approved March 21, 1904.

CHAPTER 127.

S. B. No. 77.

AN ACT to amend chapter III of the acts of 1900, entitled "An act to amend chapter 108 of the acts of 1896, entitled 'An act to amend section 4258 of annotated code of 1892 in reference to county superintendents of education.'"

County superintendents elected in certain counties.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that chapter III of the acts of 1900 be amended so as to read as follows: The county superintendents of education shall be appointed in the counties of Adams, Sunflower, Warren and Washington, but shall be elected in all the other counties.

SEC. 2. That in all the counties where county superintendents are elected, they shall be elected at the same time and in the same manner as other county officers are elected, and a vacancy occurring in said office shall be filled in the same manner provided for in section 3, chapter 79, of the acts of 1900, for filling of vacancies in the county offices; that when said office is made elective in any county where it is now appointive, the elective term shall commence at the beginning of the next term immediately succeeding the passage of this bill; *provided*, that if a vacancy occurs in an unexpired appointive term, after the said office has been made elective, the vacancy shall be filled in the manner now provided for in section 3, chapter 79, of the acts of 1900. And as the time for the regular election for county superintendents of education has expired, that an election shall be held within thirty days from the passage of this act, for the election of county superintendent of education of Hinds county, said election to be ordered, held, controlled and governed in all things as provided in section 3, chapter 79, of the acts of 1900.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved February 2, 1904.

CHAPTER 128.

H. B. No. 559.

AN ACT to repeal chapter 138 of the acts of 1900 of the legislature of state of Mississippi, entitled "An act to authorize the mayor and aldermen of the city of Vicksburg to issue bonds to the amount of three hundred and seventy-five thousand dollars (\$375,000), to purchase or construct, equip and maintain a waterworks system, construct and establish a sewerage system, to purchase grounds for, erect and equip a city hall, construct the necessary buildings for a hospital medical college, and for other purposes."

Authorizing city of Vicksburg to issue three hundred and seventy-five thousand dollars (\$375,000) of bonds for improvements.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that chapter 138 of the acts of 1900, entitled, "An act to authorize the mayor and aldermen of the city of Vicksburg to issue bonds to the amount of three hundred and seventy-five thousand dollars (\$375,000), to purchase or construct, equip, and maintain a waterworks system, construct and establish a sewerage system, to purchase grounds for, erect and equip a city hall, construct the necessary buildings for a hospital medical college and for other purposes," is hereby repealed.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 129.

H. B. No. 33.

AN ACT to amend sections 3, 5, 9, 10, 12 and 22 of chapter 66 of the acts of 1902, known as the primary election law, and to regulate the appointment of precinct officers and the mode of nomination where there is but one candidate for any office, and to provide for the selection of flitorial, senatorial and other district executive committees.

Primary election law amended; appointment of precinct officers; candidate having no opposition declared nominee by executive committee.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 3, chapter 66, of the acts of 1902, be amended so as to read as follows: Section 3. The state executive committee shall consist of three members from each congressional district, to be chosen by the delegates from the different congressional districts, each district acting separately; and shall hold for four years, and until their successors are chosen. A state convention shall be held by each political party in this state, in the year 1904, and every four years thereafter, to select a state executive committee, to appoint delegates to the national convention, and to

nominate presidential electors. Each county shall be entitled in the state convention to a number of votes equal to double its representation in the house of representatives. The delegates are to be selected by county delegate conventions, to be held in each county. Delegates shall be apportioned equally among the supervisors' districts of each county, or each precinct in the county shall be given representation in the county delegate convention in proportion to the votes cast at the preceding presidential election for its party candidates. The county executive committee shall designate a date and the number of delegates to be elected, giving at least ten days' notice, for the precinct elections, on which date the electors of such precincts shall meet at 10 o'clock A. M., at the usual voting places, and by secret ballot elect delegates to represent such voting precinct in the county conventions. The delegate convention of each county shall choose a county executive committee, consisting of three members from each supervisor's district as above provided, who shall hold until the county convention convenes four years later, but a county executive committee can submit the choice of their successors to any primary election held for other purposes, in which event the committee so chosen shall hold until the next county convention assembles under the provision of this section. Congressional, flatorial, senatorial and all other district executive committees shall continue in office until after the returns are received and acted on for the next succeeding congressional or district election, after which their successors are to be appointed by the various county executive committees composing such districts. All the present executive committees now acting shall continue until their successors are chosen as herein provided. All vacancies in state and county executive committees shall be filled by such committees themselves, and from the districts in which the vacancies occur. All other vacancies are to be filled by new executive committeemen appointed by the county executive committees of the counties which made the original appointments. Executive committees for congressional, judicial, senatorial and flatorial districts, having none, may be appointed by the various executive committees of the counties composing such districts.

Dates of primaries; what required to make nominations; second primary in certain cases.

SEC. 2. That section 5, chapter 66, of the acts of 1902, be so amended as to read as follows: Section 5. The first primary shall not be held earlier than the first day, nor later than the tenth day, of August preceding any regular election, on a date to be fixed by the state executive committee; and the second primary shall be held three weeks after the first primary, but the first primary election for congressman shall be held not earlier than the 20th day of August, and not later than the 1st day of September, on a date to be fixed by the respective congressional executive committees; and, when necessary, under the provisions of this act, the second primary shall be held three weeks later. Any candidate who re-

ceives the highest popular vote cast for the office which he seeks in the first primary, shall thereby become the nominee of his party for such office; *provided*, also, it be a majority of all the votes cast for that office. If no candidate receives such majority of popular votes in the first primary, then the two candidates who receive the highest popular vote for such office shall have their names submitted, as such candidates, to a second primary, and the candidate who leads in such second primary shall be entitled to the nomination. When there is a tie in the first primary as to who receives the next highest vote, these two and the one receiving the highest vote, none having received a majority, shall go into the second primary, and whoever leads in such second primary shall be entitled to the nomination.

Second primaries when two or more candidates for same office to be voted for.

When two or more candidates for office of the same kind are to be voted for, if a second primary be necessary, for one or more of such offices, then, if there be but one of such offices to be filled, then the name of the two highest candidates shall be submitted to the second primary; and if more than one of such offices be submitted to the second primary, then the names of two of the candidates, in excess of the number of nominations to be made, shall be submitted, to be chosen from those having the leading vote; *provided*, however, that there shall be no second primary, in any case, where any candidate or candidates receives a majority of votes for such office.

Who are eligible to participate in primaries; persons offering to vote may be challenged.

SEC. 3. That section 9 of said act be so amended as to read as follows: Section 9. That no person shall be eligible to participate in any primary election unless he be qualified to vote in the election for which such nomination is to be made, intends to support the nominations in which he participates, has been in political accord with the party holding such primary, within the two preceding years, and is not excluded from such primary by any regulation of the state executive committee of the party holding such primary. Any member of the party holding the primary, or any primary election officer, may challenge any person offering to vote, and cause him to answer under oath questions relating to his qualification. Any election officer of the precinct may administer oath to such challenged person; and false testimony given upon such inquiry shall be perjury, and punishable as such, nor shall any elector be allowed to vote who has sold, or offered to sell, his vote or influence, directly or indirectly, for the support or defeat of any candidate or measure voted on that year; nor any one who that year has paid or offered to pay anything for another's vote or influence for or against any candidate or measure.

Each political party to pay expenses of primaries; candidates to be assessed.

SEC. 4. That section 10 of said act be so amended as to read as follows: Section 10. That each political party shall defray all expenses incident to its primary election, such expenses being no charge on the state or county, but no political party shall pay out of any funds received wholly or in any part from its candidates anything for the personal services or time of its precinct officers or executive committees. The cost of printing ballots and transmitting ballot boxes and booths shall be fairly apportioned by the county executive committee among all the candidates voted for in such primaries, county district candidates bearing their pro rata. The above expenses are the only expenses chargeable against candidates or executive committees. No candidate for state or district offices shall be assessed more than are candidates for county offices. Within two weeks after the last primary, each county executive committee shall prepare and file with the circuit clerk of their respective counties an itemized account showing the expenses incurred in conducting such primary election, and the amount received from each candidate, and shall refund to candidates each his pro rata of what remains, if anything, in excess of such expenditures, and failure to perform any of the duties required by this section shall be a misdemeanor.

Penalty for offering to sell vote or influence in primary election.

SEC. 5. That section 12 of said act be so amended as to read as follows: Section 12. That it shall be unlawful for any person to sell, or offer to sell, his vote or influence, directly or indirectly, or to receive pay for his time or expenses in canvassing to contribute to the success or the defeat of any candidate or measure voted upon in the primary election; and it shall be likewise unlawful for any person to offer money or anything of value to any one for his vote or influence or for his services in canvassing for or against any candidate or measure acted upon in any primary election. Any one offending against this section shall be fined not less than fifty dollars (\$50), nor more than five hundred dollars (\$500), or imprisoned not more than six months, or both.

Registration books to be revised by commissioners of election.

SEC. 6. That section 22 of said act be so amended as to read as follows: Section 22. On the third Monday of July prior to any regular election, and five days before any other election, the commissioners of election shall meet at the office of the registrar and carefully revise the registration books and the poll books of the several election districts, and shall erase therefrom the names of all persons erroneously thereon, or who have died, removed, or become disqualified as electors for any cause; and shall register the names of all persons who have duly applied to be registered, and have been illegally denied registration; and no name shall be permitted to remain on the poll books except such as are duly qualified to vote in the regular election. No person shall vote at such primary

whose name is not on the poll book. At the meeting held under this section the commissioners shall exercise all the functions authorized by sections 3623 and 2635 of the annotated code; and at the October meeting shall only attend to what has since occurred in the way of disqualification or death of electors or what was before overlooked.

Candidate having no opposition to be declared nominee.

SEC. 7. That in all cases in which there shall be but one candidate for any office to be nominated by primary election, the executive committee having charge of such nomination shall, at the expiration of the time for the submission of names for such nomination, fifteen days before any regular election, and one week before any other election, declare such candidate the party nominee. he having no competitor, and no primary election shall be necessary nor ordered for such uncontested nomination.

How precinct officers to be appointed; how same selected; each candidate to be represented.

SEC. 8. That the county executive committee shall meet two weeks, to a day, before the date of any primary election, and appoint the precinct officers; and in making such appointment the managers and clerks shall be distributed as far as practicable between the supporters of the candidates for those offices about which there are the leading contests; and if there be doubt as to which are the leading contested ones, then among the supporters of the candidates competing for the highest offices. The refusal to make, in good faith, such distribution of precinct officers among the different competing candidates when practicable shall be a misdemeanor, and punishable as such; *provided*, that such meeting may be held one week before any special election; *provided*, that if they fail to meet on the days named further notice shall be given of time and place of meeting.

SEC. 9. That this act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 130.

S. B. No. 196.

AN ACT to amend section 1, chapter 71, of the laws of 1902, so as to provide for filling vacancies in state offices.

Vacancies in state offices; how same to be filled.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 1, of chapter 71, of the laws of 1902, be amended so as to read as follows:

When a vacancy other than in the legislature shall occur, by death, resignation or otherwise, in any state or state district office, which is elective, the unexpired term of which shall not exceed fifteen months in case of a state office, and in one year in case of a state district office, the same shall be filled for the unexpired term by appointment by the governor; and when the unexpired term exceeds fifteen months in case of a state office, and one year in case of a state district office, the governor shall issue a writ requiring an election to be held at some time therein specified, to fill the unexpired term of the office, the time to be not less than thirty days after the issuance of the writ, the returns of said election to be made to the secretary of state, as provided in section 3673, code of 1892. The secretary of state, immediately after receiving the returns of such election, shall sum up the whole number of votes given for each candidate, ascertain the person or persons having the largest number of votes for each office, and declare such person or persons to be duly elected; and thereupon all persons chosen to any office at the election shall be commissioned by the governor, and the governor shall make a temporary appointment to fill the vacancy until the person chosen at the election so ordered shall be duly qualified.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1904.

CHAPTER 131.

H. B. No. 152.

AN ACT to amend section 4 of chapter 74 of the acts of 1902, which is an act to enable the auditor of public accounts and land commissioner of the state of Mississippi to properly conduct the affairs of their respective offices, and to correct mistakes in land descriptions and land sales and provide relief in repayment of moneys erroneously paid in privileges and state taxes and land purchases, and to save the state cost in passing bills for relief by local and private legislation in certain cases.

Land commissioner and auditor to correct mistakes in land sales; money paid to be refunded.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 4 of chapter 74 of the acts of 1902 be, and the same is hereby, amended so as to read as follows:

If the state of Mississippi, through the land commissioner's office, has heretofore issued, or shall hereafter issue, a patent or patents for any lands to which the state holds no title or which did not belong to the state at the time of the issuance of said patent or

patents or any part of which lands may have caved into the river before the issuance of said patent or patents or by oversight or otherwise two patents may have heretofore been or may hereafter be issued for the said land, the land commissioner shall make an investigation of the case, and report such patent or patents to the attorney-general, who, if in his opinion, shall find the lands so patented did not belong to the state, he shall so report to the land commissioner, and if the land commissioner shall find the said lands or any part thereof had caved into the river before the issuance of said patent, or that the patentee did not acquire any land or title under such patent, he shall mark such patent or patents or certified copy of such patents "canceled" (in case of the loss of the original) and take such patent or patents or duly certified copy thereof to the auditor of public accounts, who shall file the same as a voucher in his office, and said auditor shall issue his warrant in favor of the patentee or his or her assignees, heirs or representatives, for the amount paid the state for the cancellation of said patent or patents, and the land commissioner shall certify all such cancellations to the clerk of the chancery court of the county in which said patent or patents has been recorded, and such clerk shall thereupon immediately cancel the record of same; *provided*, that when claim for refunding of purchase money or part thereof is because of land caved into river prior to date of patent, such claim shall, if upon patent heretofore issued, be presented within ninety days from the approval of this act, and when such claim is founded upon patent heretofore issued, the same shall be presented within ninety days from the date of such patent, and not after, and *provided further*, that in such case there shall be refunded only such proportion of the purchase money as the quantity of land which had caved into the river prior to issuance of patent bears to the full quantity of land named in the patent, and the land commissioner and attorney-general shall make close and careful investigation into the matter before approving any claim for refund of purchase money because of lands caved into river prior to issuance of patent, the land commissioner filing and carefully preserving in his office all such proof submitted.

And when only a part of the purchase money named in a patent is refunded the same shall be first noted by the land commissioner in ink across the face of such patent, and by the chancery clerk upon the record of such patent cancelling the same in such proportion only.

Approved February 25, 1904.

CHAPTER 132.

H. B. No. 73.

AN ACT to amend chapter 73 of the laws of 1900, and to amend chapter 75 of the acts of 1902, and to provide for pensioning confederate soldiers, sailors and widows and servants of soldiers and sailors who are in indigent circumstances, and repealing all laws in conflict with this act.

Providing for pensions of soldiers of confederacy who are in indigent circumstances; pensions fixed according to extent of disability.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that all soldiers and sailors, who enlisted and honorably served in the confederate army and navy, who were honorably discharged or paroled, or did not desert the confederate service, who are now residents of this state, and who are indigent and not able to earn a support by their own labor, and who do not themselves or their wives own property, real or personal, to the value of four hundred dollars (\$400), are entitled to pensions, and shall receive of any and all such funds appropriated therefor. That all soldiers and sailors who are totally blind, and any one who lost both hands or both feet or lost the entire use of both hands or both feet, or one hand or one foot or one leg, and is suffering from irreducible hernia, or locomotor ataxia, by reason of wounds or injuries received during such service, shall receive one hundred and twenty-five dollars (\$125) per year, to be paid quarterly. All soldiers or sailors who have lost one foot or one hand or the total use of one foot or one hand or who sustained such permanent wounds or injury as disables him from earning a support by reason of service in the confederate army or navy, and who are not able to earn a support, and who do not themselves or their wives own property, real or personal, to the value of four hundred dollars (\$400), and who have no relatives able, whose legal duty it is to support them, shall receive seventy-five dollars (\$75) per year. All indigent widows of soldiers or sailors who were married, to them prior to the first day of January, 1875, and other soldiers and sailors who were honorably discharged or paroled, or who did not desert the confederate service, and the indigent servants of soldiers and sailors who, by reason of disabilities, are unable to earn a support, and who do not themselves or their wives own property, real or personal, to the value of four hundred dollars (\$400), and who have no relatives able, whose duty it is to support them, shall receive the remainder of the pension fund, to be equally divided per capita; *provided further*, the provisions of the act shall not apply to any soldier, sailor nor the widow or servant who holds any municipal, county, state or federal office of which the salaries and fees pay the amount of three hundred dollars (\$300) per annum.

Powers and duties of board of pensions; certain names stricken from list.

SEC. 2. That the board of pensions, as created by chapter 75 of the acts of 1902, shall inquire into and ascertain whether or not

those who are now on the pension list and are drawing pensions are entitled to the same, and shall strike from the roll those not entitled to pensions under the provisions of this chapter.

Application for pension; how made; what to contain; description of disabilities; oath prescribed.

SEC. 3. That any one entitled to receive the benefits of this act must make application to the county board of inquiry of the county wherein the applicant resides on or before the first Monday in September after the passage of this act, and annually thereafter, except those who have applied and were accepted. The application of the indigent soldier or sailor of the confederacy must show that he is a bona fide citizen of this state, and give the county and state of his residence, when he enlisted in the service of the confederate states, the time of enlistment, the time and place he received the wound, the company and regiment or vessel in which he served at the time he received such wounds, and the officers of his company, regiment or vessel. A description of the wound, and, in case the applicant did not lose a hand or foot, in what manner the wound incapacitates him from manual labor. That he does not hold municipal, county, state, or federal office from which he is receiving a salary and fees to the amount of three hundred dollars (\$300) per year, and that he is not worth in his own right, or the right of his wife, property, real or personal, to the value of four hundred dollars (\$400). The application of the widow of the deceased soldier or sailor of the confederacy must show that she is a bona fide resident of the state, the county residence of her husband when he enlisted, the time of his enlistment, the place and time of his death, the company and regiment or vessel to which he belonged at the time of his death, and the officers of such company and regiment or vessel, and that she does not hold such an office, nor is possessed of such an amount of property mentioned in this act. The application of any indigent soldier or sailor shall be verified by oath, as follows: "I do solemnly swear (or affirm) that I was a confederate soldier, sailor or servant of such confederate soldier or sailor (as the case may be); that I was honorably discharged or paroled, or did not desert from the confederate service (as the case may be); that I reside in this state; that I am indigent and infirm; that I am not able to earn a support, and have no relatives able, whose legal or moral duty it is to support me; that I nor my wife do not own property, real or personal, to the value of four hundred dollars (\$400); that I nor my wife have not conveyed any of my or her property to any one with a view to drawing a pension, so help me God."

Pensioner to make oath; form of oath.

The widows of soldiers or sailors shall subscribe to the following oath: "I,, widow of, do solemnly swear (or affirm) that I am a widow of a confederate soldier or sailor, who was honorably discharged or paroled, or who did not desert the confederate service (as the case may be);

that I was married to him prior to the first day of January, 1875; that I reside in this state; that I am indigent and unable to earn a support; that I have no relatives able, whose legal or moral duty it is to support me; that I do not own property to the value of four hundred dollars (\$400); and that I have not conveyed any property to any one with a view to drawing a pension, so help me God." Said application shall be verified by oath or affirmation of one or more credible witnesses stating that he or they verily believe the facts set forth in the application to be true and the applicant to be the identical person named in the application. Said application and affidavit must be filed with the clerk of the chancery court on or before the first Monday of September of each year by applicants who have not already been placed upon the pension roll under this act.

Application must be made in duplicate; one copy to be filed with auditor.

SEC. 4. Application for pension shall be made out and signed in duplicate, one copy to be sent to the auditor of public accounts, the other to be retained by the chancery clerk. At the first term of the circuit court held after the first Monday in September the chancery clerk shall deliver all applications which have been allowed to the grand jury, and the jury shall carefully examine the same and inquire into the merits of each application on which the pension has been allowed, and ascertain if the allowance was properly made. If, in the opinion of the jury, any pension has been improperly allowed, it shall report the same to the chancery clerk, who shall drop the name so reported from the pension roll, and shall notify the auditor of public accounts that the name of the pensioner has been stricken from the roll. After such applications have been examined by the grand jury they shall be returned to the chancery clerk, who shall safely keep the same. The circuit judge shall specially charge the grand jury as to this act.

Meetings of county board of inquiry; shall examine and pass upon all pension applications.

SEC. 5. The county board of inquiry shall meet at the courthouse of the county on the first Monday of September in each year, or as soon thereafter as practicable, when the chancery clerk shall lay all applications for relief under this act before said board. It shall be the duty of said board to pass upon said applications, and for this purpose they may take other affidavits or proofs on any application, and shall endorse their rejection or approval (as the case may be) on such applications under their hands and under the seal of the chancery clerk of the county. The clerk of the chancery court shall forward such applications as are approved, with the proofs taken, to the auditor of the state, on or before the first Monday of October of each year, to be by him filed in his office. After an application has been once passed upon and allowed by the county boards of inquiry, if the pensioner shall remove from the county, it shall be necessary only for such pensioner to file with

the auditor of public accounts a certificate from the chancery clerk of the county in which his application was originally filed and allowed, setting forth that the applicant is the identical person named in the original application, which is on file in the auditor's office, and that the applicant is alive and still disabled and a citizen of this state, and still entitled to the benefits of this act, which certificate may be passed upon by the county board of inquiry, at the request of the auditor of public accounts, if doubts arise before he sends the name of the pensioner to the chancery clerk of the county to which such pensioner has removed.

Warrant not to issue till after October first; guardian may sign for insane applicant.

SEC. 6. That no warrant shall be issued to any county treasurer as provided by law for any sum appropriated for pensions until after the first Monday of October of each year, and no one shall be entitled to the benefits of this act except upon his own application, or, in case he or she is insane or lunatic, upon the application of his or her guardian or next friend. *Provided, further,* if any soldier or sailor shall die after his pension has been allowed, and before actual payment thereof, the pension shall be paid to his widow, who may endorse and collect the warrant therefor.

Officers not to receive compensation for services hereunder; penalty for speculating in pension warrants.

SEC. 7. That no officer shall receive any compensation for any service rendered under the provisions of this act, and any officer who shall demand or receive any compensation for any services rendered under this act, and any person who shall speculate in or purchase for a less sum than that to which each may be entitled, the claims of any soldier, sailor or widow of deceased soldier or sailor, or servant of such soldier or sailors allowed under the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court.

Disabled servants entitled to receive a pension.

SEC. 8. That all servants of soldiers or sailors of the confederate service, who are indigent or disabled, and who cannot support themselves by their own efforts, and have no one whose legal or moral duty it is to support them, shall receive the same amount granted to a confederate pensioner of the third class, and shall make application for same as hereinbefore provided for confederate pensioners under this act.

List of pensioners to be published and posted on courthouse door.

SEC. 9. That all names of persons granted pensions under the provisions of this act shall be published in some newspaper in the county where granted, by order of the board of supervisors; the names of those granted pensions shall also be posted upon the courthouse door by the chancery clerk.

SEC. 10. This act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 133.

H. B. No. 200.

AN ACT to amend section 1, chapter 95, of the laws of 1902, so as to allow counties to borrow money.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 1, chapter 95, of the laws of 1902, be, and the same is hereby, amended to read as follows:

Amendment to law with reference to counties authorized to borrow money; loan warrants to be issued.

313. In counties of more than thirty thousand inhabitants the board of supervisors may borrow money not exceeding one hundred thousand dollars (\$100,000) in one year, and in counties with less than thirty thousand inhabitants, not more than fifty thousand dollars (\$50,000) in one year, for the purpose of defraying the expenses of the county other than its judiciary expenses, and may execute loan warrants upon the treasury of the county therefor. And said board may borrow said money as hereinbefore provided from its county treasurer, who is authorized to lend said board not exceeding said amount out of any fund or funds in the treasury thereof not otherwise appropriated, for the expense of the current year. The loan warrants shall bear interest at a rate to be fixed by the board, not exceeding eight per cent per annum, and they shall be payable on the first day of January next after their issuance. For the payment of such loans the board of supervisors may levy a special tax each year, sufficient to pay the amount borrowed that year, with interest, and such loan warrants shall be first paid out of money collected for taxes of the year. Loan warrants shall not be issued save upon the same limitations, restrictions and conditions as are provided in chapter 17 of the annotated code of 1892 for the issuance of bonds.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 134.

H. B. No. 447.

AN ACT to amend chapter 108, acts of 1902, so as to make the salary of the private secretary of the governor fifteen hundred dollars (\$1,500) annually.

Amended chapter on fees and salaries; increasing salary of the governor's private secretary.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 3952 of the annotated code of 1892, be amended so as to read as follows:

Section 3952: Amounts paid and how paid. The following annual salaries shall be allowed and paid in monthly payments, after being audited according to law, to the officers and persons herein-after named, to wit:

To the governor, the sum of forty-five hundred dollars (\$4,500), which shall be the compensation the governor shall receive and no appropriation for coal, lights, or other things for the governor's private use or support may be made.

To each of the judges of the supreme court the sum of forty-five hundred dollars (\$4,500).

To each judge of the circuit court the sum of twenty-seven hundred and fifty dollars (\$2,750).

To each chancellor the sum of twenty-seven hundred and fifty dollars (\$2,750).

To the attorney-general the sum of twenty-five hundred dollars (\$2,500).

To each district attorney the sum of twenty-four hundred dollars (\$2,400).

To the secretary of state, the sum of two thousand dollars (\$2,000).

To the clerk of the secretary of state, if one be employed, the sum of one thousand dollars (\$1,000).

To the auditor of public accounts, the sum of twenty-five hundred dollars (\$2,500).

To the deputy auditor of public accounts, the sum of twelve hundred and fifty dollars (\$1,250).

To each clerk in the office of the auditor of public accounts provided for by law, the sum of one thousand dollars (\$1,000).

To the treasurer of the state, the sum of twenty-five hundred dollars (\$2,500).

To the general clerk in the state treasurer's office, provided for by law, the sum of twelve hundred and fifty dollars (\$1,250), and to the bookkeeper in said treasurer's office, provided for by law, the sum of one thousand dollars (\$1,000).

To the state superintendent of public education, the sum of two thousand dollars (\$2,000).

To the superintendent of the lunatic asylum at Jackson, the sum of twenty-five hundred dollars (\$2,500).

To the superintendent of the East Mississippi insane asylum, at Meridian, the sum of two thousand dollars (\$2,000).

To the superintendent of the institute for the blind, the sum of one thousand and five hundred dollars (\$1,500).

To the superintendent of the institute for the deaf and dumb, the sum of seventeen hundred and fifty dollars (\$1,750).

To the state librarian, the sum of fifteen hundred dollars (\$1,500).

To each railroad commissioner the sum of two thousand dollars (\$2,000).

To the clerk of the railroad commissioners, provided for by law, the sum of twelve hundred dollars (\$1,200).

To the land commissioner, the sum of eighteen hundred dollars (\$1,800).

To the adjutant-general, the sum of six hundred dollars (\$600).

To the governor's private secretary, fifteen hundred dollars (\$1,500) annually.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 18, 1904.

CHAPTER 135.

H. B. No. 217.

AN ACT to amend chapter 110 of the sheet acts of 1902 so as to change the time for the examinations of teachers in public schools.

Amendment fixing time for holding examinations of teachers; how same conducted.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that chapter 110 of the sheet acts of 1902 be amended so as to read as follows: On Friday and Saturday of the first four weeks of September, and of the first four weeks of April, the examining board shall hold, under regulations prescribed by the board of education, a written examination of applicants to teach. The examination shall be held at the county site, and in the public school building or in the courtroom whenever practicable. In counties having two court districts, the examination shall be held alternately at the places of holding court, if the convenience of the teachers requires it. The superintendent shall exclude from the rooms all persons who are not examiners or applicants for license. There shall be separate examinations for the two races.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 136.

S. B. No. 168.

AN ACT to amend sections 1, 2, 3 and 4 of chapter 120 of the acts of 1902, entitled "An act to amend sections 278, 2018, 2019 and 3788 of the annotated code of 1892 in reference to the length of the regular meetings of the boards of supervisors, and providing additional compensation for members thereof in counties having more than twenty-five thousand inhabitants," so as to make the provisions thereof apply to counties having more than twenty thousand inhabitants.

Regular meetings of boards of supervisors; when and where held; sessions, how long to continue.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 1, chapter 120, acts 1900, be, and the same is hereby, amended so as to read as follows:

Regular meetings: The board of supervisors shall hold regular meetings at the courthouse or in the chancery clerk's office, in counties where the chancery clerk's office is in a building separate from the courthouse, of their respective counties on the first Monday of each month. At the meetings for the transaction of business under the revenue law they may continue in session as long as business may require; but at the other regular meetings, they shall not continue in session for longer than four days. If at any regular meeting it shall appear to the board of supervisors that the next or any number of succeeding meetings will be unnecessary, the board, by an order to that effect, entered on its minutes, may pretermitt those meetings, unless it be a meeting for the transaction of business under the revenue law; *provided*, that in counties having more than twenty thousand inhabitants, the board may at any regular meeting continue in session as long as six days, if business may require.

Compensation of members; maximum in certain counties.

SEC. 2. That section 2 of said act be amended so as to read as follows: Supervisors: Each member of the board of supervisors shall receive four dollars (\$4) per day for each day necessarily and actually occupied in the discharge of his duties at any regular meeting, and five (5) cents for each mile necessarily traveled in going to and returning from the place of holding the court, to be charged but once each term; but the entire compensation of a member therefor shall not exceed two hundred dollars (\$200) in any year, to be paid out of the county treasury, and a member shall not receive any compensation except mileage for attending any called, adjourned, or special meeting of the board; *provided*, that in counties having more than twenty thousand inhabitants, the entire compensation of the member for the discharge of his duties at regular meetings of the board may exceed two hundred dollars (\$200), but shall not exceed three hundred dollars (\$300), to be paid out of the county treasury.

rdinary services.

That section 3 of said act be amended so as to read as same — pay for extraordinary services: Each board of supervisors shall, in addition to the compensation in the last section, be entitled to receive one dollar per day for the number of days actually engaged on the public roads, as required by law, and shall also be entitled to receive two dollars (\$2) per day as members of a committee to view and to inspect and accept bridges built in the county by contracts, and while engaged on any person by the laying out or maintaining of any road not exceeding one hundred dollars per year for extraordinary services; *provided*, that in counties having less than one hundred inhabitants, where the board of supervisors are the county convicts, or by contract, or as road commissioner, each member shall be entitled to receive two dollars (\$2) each per day for the number of days actually engaged by him, under the regulations of the board, in supervising the custody and care of the convicts and the work done by them while in his district, and not exceeding two hundred dollars (\$200) a year for all the extraordinary services provided for in this section.

Meeting to examine assessment rolls and to hear objections to same.

SEC. 4. That section 4 of said act be amended so as to read as follows: Objections heard and rolls examined: The board of supervisors of each county shall hold a meeting at the courthouse or in the chancery clerk's office, in counties where the chancery clerk's office is in a building separate from the courthouse, on the first Monday of August, to hear objections to the assessment and to examine the same. The assessor shall attend the meeting, and the board shall examine the assessment rolls and hear and determine all exceptions thereto, and shall sit from day to day until the same shall have been disposed of, and all proper corrections made; and the board shall equalize the assessment and may increase or diminish the valuation of any property, so that property of the same value shall be assessed for an equal sum, but the members of the board shall not receive pay for more than six days at said meeting, except in counties having more than twenty thousand inhabitants, where the members of the board may receive pay for not more than twelve days at said meeting.

SEC. 5. That this act take effect and be in force from and after its passage.

Approved March 11, 1904.

CHAPTER 137.

H. B. No. 70.

AN ACT to amend section 188 of the annotated code of 1892 so as to change the office hours of the attorney-general.

Office hours of the attorney-general fixed.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 188 of the annotated code of 1892 be amended so as to read as follows: 188. Office hours: The attorney-general shall keep an office at the capitol, and shall keep the same open on each business day from nine o'clock in the forenoon to five o'clock in the afternoon, and he or his assistant shall be there for business during said hours.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 19, 1904.

CHAPTER 138.

H. B. No. 414.

AN ACT to amend section 215 of the annotated code of 1892 in reference to mayors and justices of the peace practicing law in certain cases.

How mayors and justices of the peace to practice law.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 215 of the annotated code of 1892 be, and the same hereby is, so amended as to read as follows: If any justice of the peace or mayor and *ex officio* justice of the peace, or the partner in the practice of law of any such person, shall appear before a justice of the peace or mayor acting as such, of his district as attorney or counsel in any misdemeanor case over which he has jurisdiction, or in any appeal of any such case from the judgment of such officer, or in any certiorari to any such officer for the same, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than five hundred dollars (\$500), or be imprisoned not more than six months, or both.

Practice by partners of same; penalty for appearing in certain cases.

SEC. 2. That if the partner in the practice of law of any justice of the peace, or mayor and *ex officio* justice of the peace, shall appear before such justice of the peace or mayor acting as such of his district, as attorney or counsel in any case, civil or criminal, or in any appeal from the judgment of such officer, or in any certiorari to such officer, he shall be guilty of a misdemeanor, and,

on conviction, shall be fined not more than five hundred dollars (\$500), or be imprisoned not more than six months, or both.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 139.

H. B. No. 71.

AN ACT to amend section 225 of the annotated code of 1892 so as to change the office hours of the auditor of public accounts.

Changing the office hours of auditor's office.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 225 of the annotated code of 1892 be amended so as to read as follows: 225 (215). Office hours, etc.: The auditor shall keep his office at the seat of government, and shall keep the same open on each business day from nine o'clock in the forenoon until five o'clock in the afternoon.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 19, 1904.

CHAPTER 140.

H. B. No. 306.

AN ACT to amend section 311 of the annotated code of 1892 as now amended by chapter 125 of acts of 1900, so as to authorize counties to issue bonds for the construction of public roads.

Counties authorized to issue bonds for public roads; how such bonds issued.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 311 of the annotated code, as amended by chapter 125 of acts of 1900, be further amended so as to read as follows, to wit: Section 311. May issue bonds for certain purposes: For the purpose of providing the county with a courthouse and jail and poorhouse and for building bridges, constructing public roads and for refunding any outstanding bonded indebtedness of the county, the board of supervisors may issue the bonds of the county to an amount which, added to all its bonded indebtedness, shall not exceed five per centum on the assessed value of the taxable property of the county, appearing on the assessment rolls of the preceding year, and which shall mature not later than twenty-five years from the

date of their issuance, and bearing interest at a rate not exceeding six per centum per annum, payable annually or semi-annually, as the board shall so elect, and such bonds (provided the board shall so elect and state on the face of the bonds) shall be payable after five years, at the option of the county. All such bonds shall be lithographed with suitable devices, to prevent counterfeiting, shall be in sums of one hundred dollars (\$100) or five hundred dollars (\$500) each, and shall be registered as they are issued; be numbered in regular series from one upward, be signed by the president of the board and countersigned by the clerk, who shall impress the seal upon each bond as it is issued; and every such bond shall specify on its face the purpose for which it was issued, and the total amount authorized to be issued, and each shall be made payable to a person by name, the purchaser, followed by the words "or bearer," and the bonds so issued shall not be sold for less than their face value. The board shall levy annually a special tax, to be used exclusively in paying the interest on such bonds, and in providing a sinking fund for their redemption.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 141.

S. B. No. 6.

AN ACT to amend sections 340 and 342 of the annotated code of 1892 in reference to the making of contracts by boards of supervisors for public work and the payment for same, so as to provide that penalty of the bond to be given by the contractor may be fixed by the board, and also to provide for partial payments to be made on contract price as the work progresses, in certain instances.

Contracts by board of supervisors; penalty of contractor's bond; partial payments as work progresses.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 340 of the annotated code of 1892 be amended so as to read as follows: All contracts by boards of supervisors for any public work not otherwise specifically provided for, where the amount of the contract shall exceed fifty dollars (\$50), shall be made upon at least three week's public notice by advertisement in a public newspaper of the county, if there be one, and if not, by posting written or printed notices at the courthouse door and in each supervisor's district of the county, which notice shall distinctly state the thing to be done, and invite sealed proposals, to be filed with the clerk, to do the work, or such contract may be let out at the door of the courthouse, at public outcry, as the board shall direct; and in all cases, before the notice shall be published or

posted, the plans and specifications for the work shall be filed with the clerk and there remain; and the board shall award the contract to the lowest bidder, who will comply with the terms imposed by such board, and enter into bond with sufficient sureties, to be approved by the board, in such penalty *as may be fixed by such board*, but in no case to be less than the contract price, conditioned for the prompt, proper and efficient performance of the contract. The principal, or at least one surety on the bond shall be a resident of the county in which the contract is let.

Work to be inspected before any payment shall be made; estimate of work to be made by board.

SEC. 2. That section 342 of the annotated code of Mississippi be amended so as to read as follows: The board of supervisors shall never make a payment to any contractor for building or repairing the bridge, or doing any work on a public road, or for any public building or other public work, where the contract price exceeds two hundred dollars (\$200) *and is less than five thousand dollars* (\$5,000), without first having the same inspected and accepted by at least two members of the board of other districts than the one in which the work is done, appointed by the board a committee for that purpose, and having the certificate of the committee, under oath, filed and entered on the minutes; but the board shall not be bound by the acceptance of the committee, and shall never pay for the work *in such cases* until the specifications therefor are complied with and the work completed. In all cases of public work let by the board of supervisors where the contract price exceeds five thousand dollars (\$5,000) the board may contract so as to provide for making partial payments to the contractor therefor as the work progresses, but in no case shall such partial payments exceed eighty-five per cent of the value of the work done and material used in the performance of the contracts, to be estimated by some competent person employed by the board to superintend such work, and not until the superintendent shall furnish to the board such estimate, in writing, on his oath (as to the correctness of such estimate), which estimate, with the oath annexed thereto, shall be filed with and recorded in the minutes of the board. But before such person so employed by the board shall enter upon the discharge of the duty of supervising such work, and before he shall furnish any estimate as to the value of the work done, he shall enter into bond in such penalty as may be fixed by the board, with sufficient sureties, to be approved by the board, and conditioned for the faithful performance of his duties as superintendent of such work, which bond shall be filed and preserved by the board, and shall be liable to suit thereon in the name of the county, for any misfeasance or malfeasance on the part of such superintendent touching the performance of his duties; *provided*, that the board shall not be bound by the estimate of such superintendent, nor shall the making of any partial payments on any public work, as above provided, be construed as an acceptance of the work and materials so inspected by such super-

intendent. And the board shall not make the final payment on any such work or building without first having the same inspected as a whole and accepted by a committee of the board, as hereinbefore provided, and until the specifications are complied with and the work completed.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved February 8, 1904.

CHAPTER 142.

S. B. No. 9.

AN ACT to amend section 722, code of 1892, so as to make triable all cases in the circuit court when the process is served personally thirty days before the assembling of the court at said term of court, unless continued by consent or for good cause shown.

Imparance term abolished in circuit court where personal service had thirty days before court meets.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 722, code of 1892, be, and the same is hereby, amended so as to read as follows:

The defendant shall plead on or before the first day of the term to which the process is returnable, or within such other time as the court, by rule or otherwise, may allow; and, for want of plea, judgment may be entered by default. All demurrers and dilatory pleas shall be tried at the return term, and the court shall require that the issue of fact, if any there be, shall then be made up and joined; but such issue of fact shall not be tried before the next succeeding term without consent of parties, except in actions in which the defendant has been personally served with process for thirty days before the return day, actions to enforce mechanics' liens, actions commenced by attachment, and actions of replevin, in which such issues shall be tried at the return term, unless continued by consent, or on cause shown. Judgment by default shall not be entered at the return term, unless it appear that the process has been served personally on the defendant.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 12, 1904.

CHAPTER 143.

H. B. No. 604.

AN ACT to amend section 1216 of the code of 1892 in reference to selling or giving away of indecent books, writing, paper, drawing, photographs, etc.

Indecent pictures, books, etc., not to be sold or given away; penalty for same.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 1216 of the code of 1892 be amended so as to read as follows: Section 1216. Obscenity, indecent print, etc. (laws 1884, p. 81): A person who sells, lends, gives away, or show, or has in his possession with intent to sell or give away, or to show or advertise, or otherwise offers for loan, gift, sale, or distribution, an obscene or indecent book, writing, paper, picture, drawing, or photograph, or any article or instrument of indecent or immoral use or who designs, copies, draws, photographs or otherwise prepares such a book, picture, drawing, or other article, or writes or prints, or causes to be written or printed a circular, advertisement, or notice of any kind, or gives information orally, stating when, where, how, or whom, or by what means such an indecent or obscene article or thing can be purchased or obtained is guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not over five hundred dollars (\$500) or imprisonment in the county jail for not more than six months, or both.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 144.

H. B. No. 43.

AN ACT to repeal sections 1322, 1323, 1324 and 1325 of code of 1892, to define who are vagrants, prescribe the rules of procedure in trials for vagrancy and the punishment thereof.

Vagrancy law; code repealed; who are declared to be vagrants.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that sections 1322, 1323, 1324, and 1325 of the code of 1892 be, and the same are hereby repealed, and the following act adopted, viz.:

VAGRANTS—WHO ARE. The following persons are and shall be punished as vagrants, viz.:

(a) Persons known as tramps, wandering or strolling about in idleness, who are able to work and have no property to support them.

(b) Persons leading an idle, immoral or profligate life, who have no property to support them, and who are able to work and do not work.

(c) All persons able to work, having no property to support them, and who have no visible or known means of a fair, honest and reputable livelihood. The term "visible and known means of a fair, honest and reputable livelihood," as used in this section, shall be construed to mean reasonably continuous employment at some lawful occupation for reasonable compensation, or a fixed and regular income from property or other investment, which income is sufficient for the support and maintenance of such person.

(d) All able-bodied persons who habitually loaf, loiter and idle in the cities, towns and villages or about steamboat landings or railroad stations or any other public place in the state for the larger portion of their time, without any regular employment, and without any visible means of support. An offense under paragraph (d) of this section shall be made out whenever it is shown that any person has no visible means of support and only occasionally has employment at odd jobs, being for the most of the time out of employment.

(e) Persons trading or bartering stolen property, or who unlawfully sell or barter any vinous, alcoholic malt, intoxicating or spirituous liquors.

(f) Every common gambler or person who for the most part maintains himself by gambling.

(g) Every able-bodied person who shall go begging for a livelihood.

(h) Every common prostitute.

(i) Every keeper of a house of prostitution.

(j) Every keeper of a house of gambling or gaming.

(k) Every person who shall abandon his wife or family, without just cause, leaving her or them without support, or in danger of becoming a public charge.

(l) Every able-bodied person who lives without employment or labor, and who has no visible means of support.

(m) All persons who are able to work and do not work, but hire out their minor children or allow them to be hired out, and live upon their wages.

(n) All persons over sixteen years of age and under twenty-one, able to work and who do not work, and have no property to support them, and have not some known visible means of a fair, honest and reputable livelihood, and whose parents or those in *loco parentis* are unable to support them, and who are not in attendance upon some educational institution.

Officers required to give information under oath of all suspects.

SEC. 2. It shall be the duty of every sheriff, deputy sheriff and constables in every county, and of the police, town marshal, deputy marshals, and of other like officials in every county, city, town or village in the state to give information under oath to any officer

empowered to issue criminal warrants of all vagrants within their knowledge, or whom they have good reason to suspect as being vagrants in their respective counties, cities, towns and villages; thereupon the said officer shall issue a warrant for the apprehension of the person alleged to be a vagrant.

Information may also be filed by any resident of this state.

SEC. 3. All informations charging vagrancy shall be under oath; and while it is made the special duty of the officers named in section 2 hereof to file the said informations whenever they shall have knowledge or good reason to suspect that any person is a vagrant as defined by any clause or section of this act, yet any information charging vagrancy may be filed under oath by any resident of this state.

Proceedings in cases where arrests made; district attorney and attorney-general to prosecute; bond may be given.

SEC. 4. Whenever any person shall have been arrested on a charge of vagrancy, he shall immediately be carried before a justice of the peace of the district in which the offense occurs, or before the mayor or police justice of any city, town or village, if said offense occurs within the corporate limits of same, and on satisfactory evidence of his being a vagrant, the justice or mayor, or police justice shall commit such person to jail for not less than ten nor more than thirty days, and said person so committed shall serve said sentence for the prescribed time, and shall not be liberated from such sentence by payment for the time required to be served by said sentence, unless such person give bond, with sufficient security to be approved by said justice or mayor, or police justice, in any sum not less than two hundred and one dollars (\$201) for the future industry and good conduct of such person for one year from the date of the giving of such bond. Said bond shall be made payable to the state of Mississippi, and may be sued upon, in case of breach, in the name of the state, and in the circuit court, and such suit shall be triable at the first term of the circuit court after the breach occurs, provided the sureties on such bond are summoned five days before court meets. And such suit shall be conducted by the district attorney, for the state, in the circuit court, and by the attorney-general in the supreme court. Whenever any bond so taken shall be forfeited by the misconduct of the said vagrant, there shall be no recovery on same less than the face value of the bond, unless the vagrant shall be delivered up to the circuit court for further trial, as hereinafter provided for, in which event the court may, in its discretion, limit the amount of recovery on the bond to the cost of suit and a penalty of fifty dollars (\$50).

Vagrant may be rearrested after bond forfeited.

SEC. 5. Whenever any vagrant shall forfeit his bond as provided for in the last section, by any misconduct amounting to a breach of the bond, and the court in which the bond is to be sued upon shall have judicially so determined, such vagrant may be re-

arrested immediately, and placed on trial before the justice of the peace or mayor or police justice before whom the original proceedings were had, or may be immediately indicted by the grand jury and placed on trial in the circuit court as a vagrant, and on conviction for a second offense shall be committed to jail for not less than ninety days nor more than six months, and shall serve said sentence for the prescribed time, and shall not be liberated from such sentence by payment for the time required to be served by said sentence.

Bonds returned to circuit court and docketed on criminal docket; suit for forfeiture.

SEC. 6. All bonds so taken shall be returned to the circuit court, and shall be docketed on the criminal docket of the circuit court by the clerk thereof, and shall be brought forward from term to term until the expiration of the time for which same is given, and there shall be no exemption allowed against liability on such bonds. And it is hereby made the duty of the district attorney and the circuit judge to give diligent attention to all such bonds, and to place same in suit whenever it shall appear that the said bond has been forfeited, and it is made the duty of the justice of the peace, or mayor or police justice to inform the district attorney immediately whenever they shall discover or have good reason to believe that said bond has become forfeited.

On conviction of second offense vagrant committed to jail.

SEC. 7. Whenever any person shall be convicted of a second offense of vagrancy, no matter under which head of this act, he shall be committed to jail for not less than ninety days nor more than six months, and shall serve said sentence for the prescribed time, and shall not be liberated from such sentence by payment for the time required to be served by said sentence; and in all cases where any person shall be convicted of vagrancy, in addition to being committed to jail as herein provided, such person shall also pay all costs, and shall stand committed until same is paid, and this shall apply to all cases whether such person shall give bond as herein provided or not.

SEC. 8. It shall be the duty of each circuit judge to charge each grand jury especially with reference to this act.

Officers punished for failing in their duty under this act.

SEC. 9. If any of the officers named in section 2 of this act shall fail, refuse, or neglect to perform the duties therein required, he shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100).

Circuit court shall have concurrent jurisdiction.

SEC. 10. The circuit court shall have concurrent jurisdiction to try all cases arising under this act, and to impose the same fines,

penalties, and to require the giving of bonds as required herein, and prosecutions under this act may be begun by indictment of the grand jury.

Approved February 29, 1904.

CHAPTER 145.

H. B. No. 243.

AN ACT to amend sections 1528, 1531, 1532 and 1540 of the annotated code of 1892, relative to dentists.

Board of dental examiners to be appointed by governor.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 1528 of the annotated code of 1892 be amended so as to read as follows:

1528. Board of dental examiners created. The board of dental examiners is hereby created, to consist of five practicing dentists who are graduates from a reputable dental college, who shall be appointed by the governor, and whose term of office shall expire with that of the governor appointing them.

License required before any one allowed to practice.

That section 1531 of the annotated code of 1892 be amended so as to read as follows:

1531. License upon examination. Every person who desires to practice dentistry must apply in writing to the board of dental examiners for a license to do so. Such application must be signed by two reputable citizens of the state, attesting that the applicant is of good moral character, and that he possesses an education equal to a high school graduation. The applicant must appear before the board and be examined by it touching his learning and skill in dentistry, and if he be found to possess sufficient learning and skill therein, and to be of good moral character, the board shall immediately issue to him a license to practice dentistry, which shall be signed by each member of the board who attend the examination and approved the issuance of the license.

How examinations to be conducted; subjects upon which same to be held.

That section 1532 of the annotated code of 1892 be amended so as to read as follows:

1532. Examination—when, where, and how conducted. The board of dental examiners shall meet at the capital of the state on the third Tuesday in May of each year, for the purpose of examining applicants for license to practice dentistry; and to continue in session until all applicants for license have been examined, and their examination has been approved or disapproved. All examinations except as to character shall be upon written questions and answers

on the following subjects: Operative dentistry, prosthetic dentistry, oral surgery, physiology, metallurgy, anæsthetics, orthodontia, and in chemistry, anatomy, materia medica, pathology, therapeutics, histology, and bacteriology, as they pertain to dentistry, together with a practical examination in operative and mechanical dentistry, three members of the board constituting a quorum for business.

Governor may remove members of board; vacancies filled.

That section 1540 of the annotated code of 1892 be amended so as to read as follows:

1540. Members of the board may be removed; vacancies filled. If any member or members of the board of dental examiners shall be guilty of any crime or dishonorable conduct, or shall be absent from the state more than three months at one time, upon satisfactory evidence, the governor shall declare such office vacant, and shall appoint another in his place.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 146.

S. B. No. 191.

AN ACT to amend section 1555 of the annotated code of 1892, prescribing and regulating the duties of a district attorney, restricting partnerships in criminal cases and providing a penalty for a violation thereof.

District attorneys; their duties; partnership in criminal cases restricted.

SECTION 1. *Be it enacted by the Legislature of the state of Mississippi*, that section 1555 of the annotated code of 1892 be amended so as to read as follows:

It shall be the duty of the district attorney to appear in the circuit courts and prosecute for the state in his district in all criminal prosecutions and in all civil cases in which the state or any county within his district may be interested; but if two or more counties are adversely interested, the district attorney shall not represent either.

Partner of district attorney not to defend criminal cases.

SEC. 2. Where two or more attorneys at law of this state are associated together in the practice as attorneys or counselors at law, and one of such attorneys shall be the district attorney of his district, it shall be unlawful for such other attorney or partner to appear and defend in any of the courts of this state any person charged with a misdemeanor or felony, when by law it shall be the duty of such district attorney to appear and prosecute, and this section shall apply even though such association may exist only for the transaction of civil business in a particular court.

Penalty prescribed for violating this act.

SEC. 3. Any attorney violating the preceding section shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in a sum not less than ten dollars (\$10) nor more than one hundred dollars (\$100), and shall forfeit his license to practice law in this state; *provided*, lawyers now in partnership with district attorneys shall have the legal right to finish up such business as they are now engaged in.

SEC. 4. That this act be in force and take effect from and after its passage.

Approved March 11, 1904.

CHAPTER 147.**S. B. No. 127.**

AN ACT to amend section 1610 of the annotated code of the public statute laws of the state of Mississippi of 1892, so as to prohibit local option elections to be held within two months of an election, including a primary election, and to require the petition to remain on file thirty days before being considered, and providing for the manner of withdrawing from such petitions, and fixing the time within which another petition may be presented.

Local option elections not to be held within two months of primary election; petition to remain on file thirty days.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 1610 of said code of 1892 be amended so as to read as follows:

1610. Local option by counties (laws 1886, p. 36). Upon application of one-third of the qualified electors of any county by petition in writing, signed by them, the board of supervisors shall order an election, to be held within forty days after the presentation of the petition, to determine whether or not the liquors, bitters, or drinks mentioned in the first section of this chapter shall be sold within the limits of the county; but such election shall not be held within fifteen days after it is ordered, nor within two months of any county, state or national election, or of any state, district or county election held under the primary election laws of this state.

Withdrawals may be made from petition at any time.

In counties where the sale of liquors is not authorized, the petition shall be filed with the clerk of the board and shall remain on file at least thirty days before it is taken up for examination and consideration. Withdrawals from such petition may be effected at any time after filing and before final action by a writing subscribed by the petitioner and addressed to the board or the clerk thereof, requesting the erasure of the petitioner's signature or the withdrawal thereof from the petition. After such erasure or the filing

of such withdrawal with the clerk or the presentation thereof to the board, the signatures shall not be restored to the petition, and can only be considered on a new petition subsequently filed.

After petition defeated a second shall not be filed for two years.

If in a county where the sale of liquors is not authorized a petition for election, after being filed, is withdrawn or is refused or defeated, another petition calling for an election in such county shall not be presented or considered until after the expiration of two years.

SEC. 2. That this act shall take effect from and after its passage.

Approved March 21, 1904.

CHAPTER 148.

S. B. No. 26.

AN ACT to amend section 1764 of the annotated code of 1892 in reference to oral testimony in chancery courts.

Oral testimony in chancery courts; when may be heard.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 1764 of the annotated code of 1892 be, and is so amended as to read as follows:

Witnesses examined in open court in chancery. In all proceedings in matters testamentary and of administration, in minors' business, and in cases of persons of unsound mind, and on the hearing of motions to confirm sales in proceedings for partition of property in kind or by sale, to foreclose vendors' liens, and in all *ex parte* petitions and in similar cases, witnesses may be produced and examined in open court, or their depositions may be taken as in other cases in chancery courts.

Notice of desire to introduce oral testimony must be filed.

In all cases where a party shall desire to have the witnesses examined in open court he shall, before any depositions have been taken, file a notice to that effect, or the parties may agree in writing in any case to have all or a part of the witnesses examined in open court; and thereupon the witnesses shall be subpoenaed and examined in open court, but this shall not change the rule as to non-resident witnesses or cases in which depositions generally are authorized.

SEC. 2. That this act be in force and take effect on and after its passage.

Approved March 11, 1904.

CHAPTER 149.

H. B. No. 103.

AN ACT to amend section 2211, chapter 57, annotated code of 1892, so as to permit parents of foreign minors, under certain circumstances, to sue for and receive estate.

Foreign minors; their parents permitted to sue for estates under certain circumstances.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 2211, chapter 57, annotated code of 1892, be so amended as to read:

When any minor resides out of this state, but has personal property in this state, or is entitled to a legacy or distributive share of an estate being administered in this state, or any debt or right in action, and a guardian has been appointed for such minor in the state or country of his residence, the guardian shall be entitled to sue for, receive, and give a valid acquittance for the property, legacy, distributive share, or chose in action of the minor, upon the like terms on which executors and administrators who have qualified in other states or countries are authorized to sue or receive without suit property or debts due to their testators or intestates.

Certificate of residence to be filed with chancery clerk.

Provided, that when any minor resides in a state or country by the laws of which no provision is made for the appointment of a guardian to the minor during the lifetime of the parents, and power to administer the estate of the minor is given to either parent, such parent shall have power to sue for, receive, and give a valid acquittance for the property, legacy, distributive share or chose in action of the minor, after filing in the office of the clerk of the chancery court of the county where there may be some person indebted to the minor or having some of his effects in possession, a certificate from the judge or clerk of a court of record in the state or country where the minor resides, that such minor and parents do reside within said state and the jurisdiction of said court.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 1, 1904.

CHAPTER 150.

S. B. No. 171.

AN ACT to amend section 2267 of the code of 1892 in reference to the state board of health, how created and how filled.

State board of health; how created and how filled.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 2267 of the code of 1892 be amended so as to read as follows:

Section 2267. The state board of health is created, to consist of thirteen physicians of skill, to be appointed as follows: One from each congressional district by the governor, upon such evidence of skill and fitness for the position as may be satisfactory to him; the remaining five to be appointed by the governor from the state at large, upon the recommendation of the state medical association; and whenever a vacancy in the board shall occur the governor shall fill the same by appointment, and the term of each shall expire with that of the governor who appointed him.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved February 12, 1904.

CHAPTER 151.

H. B. No. 401.

AN ACT to amend section 2363 of the annotated code of 1892 in relation to the selection of juries in counties where there are two circuit court districts.

Selection of juries in counties where there are two court districts.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 2363 of the annotated code of 1892 be amended so as to read as follows:

2363 (1689). Jury lists for each district. In counties where there are two circuit court districts, the board of supervisors shall make a list of jurors for each district in the manner directed for, a county, and the same shall be treated in all respects as for an entire county. In such counties a juror shall not be required to serve out of his district, except the court in its discretion should otherwise direct, and except when drawn on a special venire; and in either of such excepted cases the jury shall be drawn from the two jury boxes, if the court so direct, one name from each alternately.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 152.

H. B. No. 94.

AN ACT to amend section 2702 of the annotated code of 1892 so as to extend the time for commencing suit to enforce the lien of mechanics and material men.

Lien of mechanics and material men; time for commencing suit extended.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 2702 of the code of 1892 be, and the same is hereby, amended so as to read as follows:

2702 (1384). Lien—how and when enforced. Any person entitled to and desiring to have the benefit of such lien shall commence his suit in the circuit court of the county in which the property or some part thereof is situated, if the principal of his demand exceeds two hundred dollars (\$200), within twelve months next after the time when the money due and claimed by the suit became due and payable, and not after; and the suit shall be commenced by petition, describing with reasonable certainty the property upon which the lien is averred to exist, and setting out the nature of the contract and indebtedness, and the amount thereof; and the plaintiff shall file therewith in all cases, except where the whole work or materials, or both, were furnished in pursuance of a written contract for an aggregate price, a bill of particulars exhibiting the amount and kind of labor performed, and of materials furnished, and the prices at which and times when the same were performed and furnished; and such suits shall be docketed and conducted as other suits in said courts, and may be tried at the first term.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 3, 1904.

CHAPTER 153.

H. B. No. 407.

AN ACT to amend section 2714 of chapter 77 of the annotated code of 1892 in relation to the lien of mechanics and material men.

Sub-contractors and laborers may bind amount due contractors; written notice to be given; owner may be made party to suit; money paid into court.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 2417 of the annotated code of Mississippi be, and the same is hereby amended so as to read as follows:

Section 2714 (1381). Sub-contractors, laborers, etc., may bind the amount due the contractor by written notice. When any con-

tractor or master workman shall not pay any person who may have furnished materials used in the erection, construction, alteration, or repairing of any house, building, structure, fixture, boat, water craft, railroad embankment, or the amount due by him to any sub-contractor therein, or the wages of any journeyman or laborer employed by him therein, such person, sub-contractor, journeyman, or laborer may give notice, in writing, to the owner thereof of the amount due; and thereupon the amount that may be due by such owner to the contractor or master workman shall be bound and liable in the hands of such owner for the payment of the sum so claimed; and if, after notice, the contractor or master workman shall bring suit against the owner, the latter may pay into court the amount due on the contract; and the person giving notice shall be summoned to contest the demand of such contractor or master workman; and the court may cause an issue to be made up and tried, and direct payment of the amount claimed by the person giving notice out of the money so paid into court; or, in case the person giving the notice shall sue the contractor or master workman, he shall make the owner a party to the suit, and thereupon the owner may pay into court the amount due on the contract, or sufficient to pay the sum claimed, and costs, and the court shall award the same to the person who may be entitled thereto; and in neither case shall the owner be liable to pay costs; but if the owner, when sued with the contractor or master workman, shall deny any indebtedness sufficient to satisfy the sum claimed, and all costs, the court, at the instance of the plaintiff, may cause an issue to be made up to ascertain the true amount of such indebtedness, and shall give judgment and award costs according to the justice of the case. In case judgment shall be given in favor of the person giving the notice, as hereinbefore provided for, against the owner, such judgment shall be a lien from the date of such notice, on the building, house, structure, fixture, boat, water craft, railroad, or railroad embankment in or upon which the material or labor mentioned in such notice was used or done, and may be enforced as in case of liens in other cases provided for in said chapter 77.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 154.

H. B. No. 247.

AN ACT to amend section 2914 of the annotated code of 1892, and an act amendatory thereof, enacted March 4, 1902, relating to changes of limits and boundaries of municipalities, and for fixing when ordinances therefor become operative and valid.

Limits and boundaries of municipalities; how changed; ordinance to become valid if appeal not taken.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 2914 of the annotated code of 1892, and an act amendatory thereof, passed March 4, 1902, and part of chapter 103 of the acts of 1902, be amended so that said section 2914 will read as follows:

Section 2914. Ordinance to become valid and operative. If appeal be not prosecuted from the ordinances or ordinance, the municipal authorities shall, at the expiration of the time therefor, inquire into the fact of the publication and the notice, and adjudge whether the same has been made according to law, and such finding, if made in good faith, shall be conclusive, and if adjudged to have been made and given the same shall thereupon, after the expiration of one month from the passage thereof, become operative. In the event of the affirmation of the ordinances or ordinance by the circuit or supreme court, the same shall become valid and operative. In the event of the consolidation of two or more municipalities into one, as hereinabove provided, when the ordinances providing therefor shall become final and operative, the boards of mayor and aldermen of each municipality so combining into one, at the first regular meeting after the same shall become operative, certify the same to the governor and the secretary of state, and the governor shall issue a proclamation in accordance with the facts, and shall correctly classify the municipality so formed or enlarged, transmitting a copy of his proclamation to the mayor of each municipality composing the one so formed or enlarged, and thereupon the smaller of such municipalities shall become merged into and a part of the larger one, according to population, unless otherwise provided by the consolidating ordinances, under such name as may be designated and agreed upon by such municipalities, with like effect as in case of the enlargement by addition of territory to the dominant or surviving municipality; *provided*, that the aldermen of the municipality so taken in shall become members of the board of aldermen of the surviving municipality until the next regular election, when the proper number of aldermen shall be elected as provided by law; and *provided further*, that the assessment and levy for ad valorem taxation at the time in force for the territory of each of such municipalities, shall be the assessment and levy upon which taxes shall be collected for the then current fiscal year, but in all other respects the existing laws and ordinances of the dominant or surviv-

ing municipality shall be operative throughout the enlarged limits, as in case of enlarging the limits of municipalities as herein provided.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 155.

H. B. No. 543.

AN ACT to amend section 2971 of the annotated code of 1892 in relation to additional powers of cities and large towns.

Additional powers conferred on municipalities of more than six hundred inhabitants.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 2971 of the annotated code of 1892 be, and the same is hereby, amended so as to read as follows:

2971. Additional powers of cities and towns. The following additional powers are conferred on the mayor and board of aldermen of cities and towns having more than six hundred inhabitants, but not of other towns and villages.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 156.

H. B. No. 411.

AN ACT to further amend sections 2978 and 2992 of the annotated code of 1892 so as to provide for the election of clerks, tax collectors and street commissioners of municipalities by the people.

Municipal clerks, tax collectors and street commissioners elected by the people.

SECTION 1. *Be it enacted by the Legislature of the state of Mississippi*, that section 2978 of the annotated code of 1892, amended by chapter 168 of the acts of 1896, be further amended so that it will read as follows:

The officers of every municipality shall be a mayor, aldermen, a marshal, a tax collector, a treasurer, a clerk, and a street commissioner. The number of aldermen in a city of over four thousand inhabitants shall be not less than five nor more than nine; and of four thousand or less, and in a town, five; and in a village,

three. The marshal may be the street commissioner; and in towns and villages he shall be the tax collector, and may be in a city. The street commissioner and clerk may be an alderman, and the clerk or marshal may be the tax collector or assessor, if the mayor and board of aldermen shall so elect. All of the said municipal officers shall be elected by the people, except where the mayor and board of aldermen elect that the street commissioner or that the clerk shall be an alderman, in which case the street commissioner and the clerk shall be elected by the mayor and board. When there are eight or more aldermen, two shall be elected by each ward in a city, and the remainder at large; and in all other cases an equal number of aldermen shall be elected in each ward of a city, the remainder at large. The mayor, marshal, clerk, treasurer, tax collector and street commissioner shall be elected at large.

Board to elect clerk where they have decided that clerk may be an alderman.

SEC. 2. That section 2992, amended by chapter 168, acts of 1896, be further amended to read as follows:

2992. To elect clerk in certain cases, and attorney. At the first regular meeting of the mayor and board of aldermen succeeding each regular municipal election, they shall elect a clerk, where they have determined that the clerk shall be an alderman. The clerk, treasurer, and tax collector shall execute bond to the municipality in such penalty, with such sureties, and conditioned as may be prescribed by ordinance. The board may annually appoint an attorney at law for the municipality, prescribe his duties and fix his compensation, or it may employ counsel to represent the interest of the municipality should occasion require. That the provisions of this act as to the election of clerk, tax collector, and street commissioner shall not apply to villages, towns, and cities of five thousand inhabitants or less.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 157.

H. B. No. 511.

AN ACT to amend section 3017 of the annotated code of 1892, entitled "Bonds may be made to mature annually, etc.," so as to authorize municipal authorities to issue the bonds therein provided for providing for the payment of interest either annually or semi-annually, as such authorities may elect.

Municipalities may issue bonds to mature annually.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 3017 of the annotated code of 1892, entitled, "Bonds may be made to mature annually, etc.," be, and the same is hereby amended so as to read as follows, to wit:

The mayor and board of aldermen, if it elect, may issue bonds making a part of them mature annually, and running through a series of not more than twenty years from their issuance. In such case the interest shall be payable either annually or semi-annually, as the board may elect, and a part of the principal to be fixed by the board at the time the bonds are issued shall be payable annually, and the bonds shall be issued accordingly; in which case a part of the principal shall not be called in and paid by the board until the maturity of the bonds.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 18, 1904.

CHAPTER 158.

H. B. No. 233.

AN ACT to amend section 3029 of chapter 93 of the code of 1892, so as to provide for registration oftener than two years in cities, towns and villages, and to provide that the clerk may be registrar.

Municipal registration; board may provide for same at all times.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 3029 of chapter 93, of the code of 1892, be amended so as to read as follows:

The mayor and board of aldermen may appoint a registrar of voters at the regular meeting in August of the year in which a regular municipal election is to be held, who shall take the oath of office prescribed by section 268 of the constitution, and receive such compensation as may be prescribed by ordinance; they shall provide suitable registration books, save that the oath to be printed at the top shall be conformed to the provisions of the last section; and they shall cause the registrar, during the months of October and November of each year in which a general municipal election is to be held, to register voters of the city, town or village, and shall cause such notice to be given thereof as may be deemed proper. The mayor and board of aldermen may provide for the registration of voters at all other times in addition to the months of October and November. The clerk of the city, town, or village may be elected registrar. The registrar shall, as near as may be, when not otherwise provided, comply with the provisions of the law applicable to the above requirements.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 159.

S. B. No. 65.

✓ AN ACT to amend section 3040 (426), chapter 94, code 1892, so as to provide for additional notaries public.

Notaries public may be appointed for unincorporated districts.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 3040 (426), of the code of 1892, be amended so as to read as follows:

Section 3040 (426). The governor may appoint. The governor may appoint one or more notaries public for each city or town or supervisor's district, who shall hold his office for the term of four years. He shall give bond, with sufficient sureties, in the penalty of two thousand dollars (\$2,000), conditioned and approved as bonds of county officers are required to be, and shall take the oath of office prescribed by section 268 of the constitution. The oath and bond shall be filed in the office of the clerk of the chancery court of the county, and the bond shall be recorded. (See section 3057.)

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 12, 1904.

CHAPTER 160.

H. B. No. 189.

AN ACT to amend section 3168 of the annotated code of 1892 so as to change the day and place of meeting of the penitentiary board of control.

Board of control; meetings; time and place; quorum of same.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 3168 of the annotated code of 1892 be amended so as to read as follows:

3168. Board of control; meetings; quorum. The board shall meet on the first Tuesday in each month at their office in the state capitol at Jackson, and at other times when deemed necessary by the governor. In case of an epidemic, or of war, invasion, riot, or rebellion, the board may meet at such place as the governor shall designate. A majority of the board, the governor or attorney-general being one, shall be a quorum; and, in voting, each member shall vote *viva voce*, and in the election of officers, the vote shall be recorded so as to show for whom each member votes, and in

other cases the yeas and nays shall be recorded on the request of any member.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 161.

H. B. No. 104.

AN ACT to amend section 3840 of the annotated code of 1892 so as to change the amount of damages to be paid by tax collectors upon failure to make any report or pay over any taxes as required in said section.

Damages to be paid by tax collectors on failure to make report of collections; governor and attorney-general may remit same.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 3840 of the annotated code of 1892 be amended so as to read as follows:

3840 (548). Tax collector's reports and taxes paid over; monthly and final settlements (laws, 188, p. 33). The tax collector shall make reports in writing, verified by his affidavit, on the first day of each month, or within ten days thereafter, to the auditor of public accounts and to the clerk of the board of supervisors of all taxes collected by him during the preceding month for the state and county respectively, and if he have collected none, the report shall be made out and state that fact; and he shall, at or within the same time, pay over all taxes collected to the state and county treasurers respectively. His final report and settlement with the auditor of public accounts and with the clerk of the board of supervisors for the taxes of any fiscal year shall be made on or within ten days after the first day of September of the same year. If a tax collector fail to make any report, or to pay over any taxes as above required, he shall pay damages of thirty per centum thereon, and interest on said amount of principal and damages at the rate of six per centum per annum from the time the same shall be due until paid. The auditor and clerk shall not omit in any case to charge the damages to the collector, when incurred, but the same shall be remitted on the certificate of the governor and attorney-general that they are satisfied that the delay has not been wilful or avoidable by the collector.

Approved March 18, 1904.

CHAPTER 162.

H. B. No. 105.

AN ACT to amend section 3852 of the annotated code of 1892 so as to repeal the penalties therein prescribed of ten per centum a month on taxes collected by the tax collector and not paid into the proper treasury at the expiration of his term of office.

Settlements of retiring tax collector; damages repealed.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 3852 of the annotated code of 1892 be amended so as to read as follows:

3852 (560). Statement furnished auditor, and payment by collector. The clerk of the board of supervisors shall transmit to the auditor of public accounts a certified copy of the list of uncollected taxes, furnished by the tax collector whose term of office has expired, on or before the first day of February, after it has been filed; and the retiring tax collector shall, within five days after the expiration of his term of office, pay into the state treasury all taxes collected by him payable therein, and into the county treasury all taxes collected by him and payable therein.

Approved March 22, 1904.

CHAPTER 163.

S. B. No. 169.

AN ACT to amend section 3942 of the annotated code of Mississippi relative to ferries.

Ferries; how same may be established and licensed.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 3942 of the annotated code of Mississippi, of 1892, be, and the same is hereby, amended so as to read as follows, to wit:

The board of supervisors may establish and license toll ferries and fix the toll; and where the public convenience and travel justifies it, may establish and maintain free ferries, or, in their discretion, toll ferries, at the public expense; *provided*, the board of supervisors shall not pay the ferryman exceeding twenty-five dollars (\$25) per month to run a free ferry.

The board of supervisors may make allowance to pay for ferry boat and things to run same, and may establish ferries over rivers or other water course where a public road is parallel with and on one bank of river or watercourse, and public or private roads on opposite bank.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 11, 1904.

CHAPTER 164.

H. B. No. 220.

AN ACT to amend section 3955 of the annotated code of 1892 in relation to the payment of special judges of the supreme court.

Special supreme court judges; pay of same regulated.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 3955 of the annotated code of 1892 of the state of Mississippi be amended so as to read:

Section 3955. Special judges of the supreme court; how paid. When a special judge or special judges shall be commissioned to preside in any cause in the supreme court, or during any term thereof, or during the disability or disqualification of any of the judges of said court, such special judge or judges shall each be entitled to the sum of twenty dollars (\$20) a day for the time he or they shall be engaged in said service; but in no case is any such special judge to receive for his services as such special judge more than the sum of three hundred dollars (\$300) in any one case. Each judge so serving shall make out an itemized account of the number of days he in good faith served, and make affidavit to same and file it with the clerk of the supreme court, and the said clerk shall issue a certificate showing the length of time such special judge or judges served, and the auditor shall issue his warrant therefor.

Approved March 22, 1904.

CHAPTER 165.

S. B. No. 104.

AN ACT to amend section 3983 of the annotated code of 1892 so as to increase the salary of the county superintendents of education.

County superintendents; salaries regulated and increased.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 3983 of the annotated code of 1892 be, and hereby is, amended to read as follows:

Section 3983. The same: salary, how paid. The salary of the county superintendent shall be paid monthly, on allowance of the board of supervisors after it has approved the report required to

be made to it every month by the superintendent, and the salary is fixed at five per centum of the total school funds received by the county annually, but a county superintendent shall not receive more than eight hundred dollars (\$800) nor less than five hundred dollars (\$500) per annum. The board of supervisors may increase the salary herein fixed to one thousand dollars (\$1,000), or to any less amount, or to an amount not to exceed five per centum on the school funds annually received by the county, *provided*, that no county superintendent's salary shall exceed one thousand dollars (\$1,000) per annum. Municipalities constituting separate school districts shall pay their proportionate part of the salary estimated upon the amount of school funds received from the state distribution.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 18, 1904.

CHAPTER 166.

H. B. No. 350.

AN ACT to amend section 4031 of the code of 1892 in reference to salaries of public school teachers.

Public school teachers; pay of same; how made; where two teachers required.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 4031 of the code of 1892 be amended so as to read as follows:

4031. The salaries for school requiring one teacher shall be fixed by the county superintendent between the following limits: For a third grade teacher, between fifteen dollars (\$15) and twenty dollars (\$20); for a second grade teacher, between eighteen dollars (\$18) and thirty dollars (\$30); for a first grade teacher, between twenty-five dollars (\$25) and sixty-five dollars (\$65). In fixing the salary the superintendent must take into consideration the executive and teaching capacity of the teacher, and the size of the school, to be determined both by the educable population of the district and the average attendance of the two preceding years. The salary of the assistant shall not exceed by more than five dollars (\$5) the minimum fixed for the grade of license he holds, if the teacher be of the second or third grade, nor more than ten dollars (\$10) if the teacher be of the first grade, but the salary of any assistant may be lower than the minimum. In schools requiring more than one teacher, the salary of the principal shall be regulated so that the cost per pupil shall not materially vary from the average cost of pupils in schools with single teachers. This section shall not be

construed to prohibit the employment of competent teachers of the several grades for a less compensation than that mentioned. The salaries of principles and assistant teachers in separate school districts shall be fixed by the trustees.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 167.

H. B. No. 86.

AN ACT to amend section 4035 of the code of 1892 so as to provide that county superintendents of education can defer making contracts with teachers until they shall have had official information as to the amounts of money their counties shall receive from the distribution of the common school fund.

Contracts with teachers; county superintendent may defer making same in certain cases.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 4035 of the code of 1892 be so amended as to read as follows:

It shall be the duty of the superintendent to make a contract, in the form prescribed by the board of education, with every duly licensed teacher who has been selected by the trustees according to law or appointment by himself. The contract shall be signed in duplicate by the superintendent and by the teacher, each retaining one part; and it shall show the name of the school, the position of the teacher, whether principal or assistant, and the monthly salary. In addition to the fixed salary, there shall be stated in the contract two successively smaller amounts, which shall be the salary in case the attendance decreases to a number for which the conditional amounts would be the fixed salary. Contracts shall be valid for the number of months the school is to be taught during the scholastic year, and it shall be unlawful to issue a certificate for services rendered before the contract is made and signed; *provided*, that in years when the state appropriation is made after the beginning of the fall school term, that it shall be lawful for a county superintendent of education to cause the schools to be taught without contracts until he shall have officially ascertained the amount of the common school fund that will be distributed to his county for that scholastic year; and *provided further*, that where contracts have been made before the amount of school fund to be distributed to his county is known, the same may be changed when he ascertains the amount his county will receive, teachers agreeing thereto.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 3, 1904.

CHAPTER 168.

H. B. No. 69.

AN ACT to amend section 4084 of the annotated code of 1892 so as to change the office hours of the secretary of state.

Office hours of secretary of state.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 4084 of the annotated code of 1892 be amended so as to read as follows:

4084 (203). Office; where and how kept. The secretary of state shall keep his office at the seat of government; shall keep the same open on each business day from nine o'clock in the forenoon until five o'clock in the afternoon; and shall carefully preserve the official books, library, papers, records, and furniture belonging to his office.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 19, 1904.

CHAPTER 169.

H. B. No. 68.

AN ACT to amend section 4203 of the annotated code of 1892 so as to change the office hours of the state treasurer.

State treasurer's office hours; changing and regulating same.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 4203 of the annotated code of 1892 be amended so as to read as follows:

4203 (238). Office hours; bookkeeper, clerk, etc. The state treasurer shall keep his office at the seat of government, and shall keep the same open on each business day from nine o'clock in the forenoon to four o'clock in the afternoon; and he shall be entitled to a bookkeeper and a general clerk to assist him in the discharge of the duties of his office.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 19, 1904.

CHAPTER 170.

S. B. No. 60.

AN ACT to amend sections 4338 and 4339 of the annotated code of 1892 so as to change the time for holding the terms of the supreme court and for calling the docket.

Terms of the supreme court, when same to begin.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that section 4338 and section 4339 of the annotated code of Mississippi of the year 1892 be, and they are hereby, amended so as to read as follows:

Section 4338 (1398). Terms of the court. A term of the supreme court shall be held twice in each year at the city of Jackson, to be styled the supreme court; and the terms shall commence the second Monday of November and the first Monday of April, and the court shall be kept open for the discharge of business for at least nine months of every year if the business therein should require.

Supreme court dockets; how same shall be called.

Section 4339 (1399). Dockets: how called. The docket of the first district shall be taken up at the November term and the cases thereon shall be called and disposed of until the first Monday of January thereafter, when the docket of the third district shall be taken up and the cases thereon shall be called and disposed of until the third Monday of February, when the docket of the second district shall be taken up and called until the first Monday in April; and at the April term the dockets of the several districts, or such of them as most require it, shall be taken up and disposed of as may be ordered by the court, or the clerk thereof, if the court should fail to make the order; and notice of the time at which dockets will be taken up according to the order shall be published by the clerk in a newspaper published in Jackson, if there be one, for the period of three weeks. The supreme court shall have power to alter the times fixed for taking up the dockets of the second and third districts, and so to arrange the same as the public convenience may require.

SEC. 2. That this act take effect and be in force from and after the first Monday in July, 1904.

Approved March 7, 1904.

CHAPTER 171.

S. C. R. No. 16.

A CONCURRENT RESOLUTION proposing an amendment to the constitution in relation to the enumeration of the inhabitants and qualified electors of the state.

Census of the state; proposed amendment to constitution abolishing same.

Resolved, by the legislature of the state of Mississippi, two-thirds of each house agreeing thereto, that the following amendment to the state constitution be submitted to the qualified electors of the state, for ratification or rejection, at an election to be held on Tuesday after the first Monday in November, A. D., 1904, viz.:

Strike out of the constitution section 105 thereof, which is as follows: "The legislature shall provide for the enumeration of the whole number of inhabitants and the qualified electors of the state once in every ten years; and the first enumeration shall be made during the two months beginning on the first Monday of June, 1895, and the legislature shall provide for the same by law."

Adopted by the senate February 6, 1904.

J. P. CARTER, *president of the senate.*

Adopted by the house March 8, 1904.

E. N. THOMAS, *speaker of the house.*

CHAPTER 172.

S. C. R. No. 13.

A CONCURRENT RESOLUTION to insert into the constitution of the state of Mississippi the amendment to the constitution in relation to the apportionment of senators and representatives.

Constitutional amendment regulating apportionment of senators and legislators, inserted.

WHEREAS, at its session held in 1900, the legislature of the state of Mississippi, in the manner prescribed by section 273 of our state constitution, passed a concurrent resolution proposing an amendment to the constitution, authorizing the legislature to make a new apportionment of senators and representatives, as appears in the acts of 1900, pages 240 and 241, a copy of which is hereto attached; and

WHEREAS, in accordance with the requirements of said section, the secretary of state of Mississippi had the required public notice given of an election at which the qualified electors should vote directly for or against said amendment; and

WHEREAS, at said election, which was duly held throughout Mississippi, on November 6, 1900, as appears from the returns thereof, duly made to said secretary of state, that the total votes cast at said election was 51,238, and 32,295 votes were cast in

favor of said amendment, and 6,917 votes against said amendment, and the same was carried by a majority of 2,744 of all the legal votes polled at said election; therefore be it

Resolved by the senate of Mississippi, the house of representatives concurring therein, that said amendment be, and is hereby, inserted in the constitution of the state of Mississippi as a part of said constitution.

Concurrent resolution submitting to the qualified electors of the state, for ratification or rejection, an amendment to the constitution in relation to the apportionment of senators and representatives.

Be it resolved by the house, the senate concurring, that the following amendment to section 256 of the state constitution be submitted to the qualified electors for ratification or rejection at an election to be held on Tuesday after the first Monday in November, 1900, viz.:

Text of the amendment as adopted.

The legislature may, at the first session after the federal census of 1900, and decennially thereafter, make a new apportionment of senators and representatives. At each apportionment each county then organized shall have at least one representative. The counties of Tishomingo, Alcorn, Prentiss, Lee, Itawamba, Tippah, Union, Benton, Marshall, Lafayette, Pontotoc, Monroe, Chickasaw, Calhoun, Yalobusha, Grenada, Carroll, Montgomery, Choctaw, Webster, Clay, Lowndes and Oktibbeha, or the territory now composing them, shall together never have less than forty-four representatives. The counties of Attala, Winston, Noxubee, Kemper, Leake, Neshoba, Lauderdale, Newton, Scott, Rankin, Clarke, Jasper, Smith, Simpson, Copiah, Franklin, Lincoln, Lawrence, Covington, Jones, Wayne, Greene, Perry, Marion, Pike, Pearl River, Hancock, Harrison, and Jackson, or the territory now composing them, shall together never have less than forty-four representatives, nor shall the remaining counties of the state, or the territory now composing them, ever have less than forty-four representatives. A reduction in the number of senators and representatives may be made by the legislature if the same be uniform in each of the three said divisions; but the number of representatives shall not be less than one hundred nor more than one hundred and thirty-three, nor the number of senators less than thirty, nor more than forty-five; *provided*, that new counties hereafter created shall be given at least one representative until the next succeeding apportionment.

Passed the house of representatives March 3, 1900.

A. J. RUSSELL, *speaker of the house of representatives*.

Passed the senate March 8, 1900.

JOHN R. DINSMORE, *president of the senate*.

Passed the senate January 13, 1904.

J. P. CARTER, *president of the senate*.

Passed the house January 26, 1904.

E. N. THOMAS, *speaker of the house*.

CHAPTER 173.

S. C. R. No. 9.

A CONCURRENT RESOLUTION to insert into the constitution of the state of Mississippi the amendment to section 206 of the constitution requiring the poll tax to be retained in the counties where the same is collected, and not distributed among the several counties and separate school districts in proportion to the number of educable children in each.

Constitutional amendment regulating poll tax distribution, inserted.

WHEREAS, at its session held in 1900, the legislature of the state of Mississippi, in the manner prescribed by section 273 of our state constitution, passed a concurrent resolution proposing an amendment to the constitution providing that the poll tax be retained in the counties where collected, and not distributed among the several counties and separate school districts in proportion to the number of educable children in each, as appears in the acts of 1900, page 239, a copy of which is hereto attached; and

WHEREAS, in accordance with the requirements of said section, the secretary of state of the state of Mississippi had the required public notice given of an election at which the qualified electors should vote directly for or against said amendment; and,

WHEREAS, at said election, which was duly held throughout Mississippi on November 6, 1900, as appears from the returns thereof, duly made to said secretary of state, 43,128 votes were cast in favor of said amendment, and 7,733 against said amendment; said amendment having received a majority of all the legal votes polled at said election, therefore be it

Resolved by the senate of Mississippi, the house of representatives concurring, that said amendment be, and is hereby, inserted in the constitution of state of Mississippi as a part of said constitution.

Text of amendment as adopted.

A concurrent resolution proposing an amendment to the constitution requiring the poll tax to be retained in the counties where the same is collected, and not distributed among the several counties and separate school districts in proportion to the number of the educable children in each.

Resolved, by the legislature of the state of Mississippi, two-thirds of each house agreeing thereto, that the following amendment to the state constitution be submitted to the qualified electors of the state for ratification or rejection, at an election to be held on Tuesday after the first Monday in November, 1900, viz.:

Amend section 206 of the constitution so that it will read as follows:

SECTION 206. There shall be a county common school fund, which shall consist of the poll tax to be retained in the counties where the same is collected, and a state common school fund to be

taken from the general fund in the state treasury, which together shall be sufficient to maintain the common schools for the term of four months in each scholastic year. But any county or separate school district may levy an additional tax to maintain its schools for a longer time than the term of four months. The state common school fund shall be distributed among the several counties and separate school districts in proportion to the number of educable children in each, to be determined from data collected through the office of the state superintendent of education in the manner prescribed by law.

Passed the senate, third reading, February 16, 1900.

JAMES T. HARRISON, *president of the senate.*

Passed the house, third reading, March 6, 1900.

A. J. RUSSELL, *speaker of the house.*

Passed the senate January 12, 1904.

JAMES T. HARRISON, *president of the senate.*

Passed the house January 13, 1904.

E. N. THOMAS, *speaker of the house.*

CHAPTER 174.

H. C. R. No. 25.

A CONCURRENT RESOLUTION approving and ratifying the sale of certain land by the trustees of the insane hospital to W. M. Anderson.

Sale of insane hospital lands to W. M. Anderson; resolution ratifying same.

WHEREAS, on the 16th day of December, A. D. 1902, the trustees of the state insane hospital purchased from Charles H. Hildreth, for the use of said institution, and received deed to the following described land, to wit: The west half of southwest quarter of section 24, except a triangular tract containing .42 acres in the northwest corner thereof lying west of the Jackson and Canton public road, and the east half of the northeast quarter and northwest quarter of northeast quarter, and south half of southwest quarter of northeast quarter, and the northeast quarter in section 25, and southeast quarter of northeast quarter of section 26, all in township 6, range 1 east, being in Hinds county, Mississippi, containing 413.98 acres, more or less, at and for the aggregate price of three thousand seven hundred and twenty-five dollars and eighty-two cents (\$3,725.82), being at the rate of nine dollars (\$9) per acre; and

WHEREAS, during the present session of the legislature the committee of the house on humane and benevolent institutions made a special report on said transaction, disapproving the purchase of said land by the board of trustees, and declaring that said action by the board was without warrant of law; and

WHEREAS, subsequent to the above named report, the judiciary committee of the house made a further report on the subject-matter,

recommending the passage of a concurrent resolution by the house to instruct the attorney-general to institute legal proceedings to set aside said sales and to recover back to the state the purchase money expended by the board for the land in question.

WHEREAS, the two said reports were approved by the house of representatives;

WHEREAS, report has been made by said board of trustees to the two houses of the legislature touching its action in the premises and acquainting the legislature with the fact that W. M. Anderson was desirous of purchasing the land, and that, in accordance with the views expressed by the house of representatives in the adoption of the said two reports repudiating the purchase and instructing suit to recover the purchase money, as aforesaid, the said board of trustees made and executed to the said Anderson a deed to the land aforementioned in consideration of the full amount of the purchase price paid by the board for the land, together with six per cent interest thereon from the date of their purchase to the time of sale to Anderson, and that the said deed and purchase money is now in escro with the Capital National Bank, awaiting approval of their last aforesaid action by the legislature; be it therefore

Resolved by the house of representatives, the senate concurring, that the sale of said lands to W. M. Anderson at the sum of three thousand nine hundred and ninety-four dollars and nine cents (\$3,994.09), being the original purchase price, with interest, be, and the same is hereby, ratified, approved and confirmed, passing to the said Anderson all the right, title, and interest in said land which the state or the said hospital has or claims to the same, and that upon the receipt of the money by the state treasurer the Capital National Bank shall deliver to said Anderson the deed aforesaid.

Adopted by the house of representatives March 19, 1904.

E. N. THOMAS, *speaker of the house.*

Adopted by the senate March 19, 1904.

J. P. CARTER, *président of the senate.*

Approved March 22, 1904.

CHAPTER 175.

S. B. No. 305.

AN ACT to authorize W. Denny & Company, a corporation duly organized under the laws of the state of Mississippi, to build a bridge across Dog River, in Jackson county, Mississippi.

Contruction of railroad drawbridge across Dog river authorized.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* that W. Denny & Company, a corporation duly incorporated under the laws of the state of Mississippi, its successors or assigns, be, and is hereby, authorized to construct and maintain

a railroad drawbridge with single or double track and approaches thereto, over and across Dog River, in Jackson county, Mississippi, at or near a point on said river one thousand five hundred feet west of the line dividing sections 19 and 20 in township 7 south, range 5 west, there being a straight stretch or continuance of said river for one-half mile or more above and below said point without curve or turn, subject to any and all laws, rules and regulations of the United States government, now and hereafter enacted or adopted and pertaining to such bridge.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 176.

H. B. No. 580.

AN ACT for the relief of T. M. Lightcap, assessor of Yazoo county, making an appropriation to compensate him for assessments made by him at the instance of the revenue agent in 1901.

Appropriation for relief of T. M. Lightcap, assessor of Yazoo county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the sum of ninety-seven dollars and sixty-six cents (\$97.66) is hereby appropriated out of any funds in the state treasury not otherwise appropriated, to pay T. M. Lightcap, assessor of Yazoo county, for commissions on back taxes assessed by said Lightcap at the instance of the revenue agent during the year 1901, and the auditor of public accounts is hereby directed to issue to said Lightcap his warrant on the state treasury for said amount; *provided*, it shall further appear to the auditor that the amount appropriated by this bill and the amount heretofore received by said Lightcap as commissions for making the assessment of said county in said year shall not together exceed the sum of one thousand dollars (\$1,000).

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 19, 1904.

CHAPTER 177.

S. B. No. 216.

AN ACT to restore the right of suffrage to E. W. Morris.

Right of suffrage restored to E. W. Morris.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the right of suffrage be, and is hereby, restored to E. W. Morris, of Tishomingo county, who was convicted of arson January 14, 1892, and discharged December 8, 1892.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 18, 1904.

CHAPTER 178.

H. B. No. 321.

AN ACT for relief of R. F. Morrison and R. F. Stout, of Alcorn county, Mississippi.

Board of supervisors of Alcorn county authorized to pay R. F. Morrison and R. F. Stout.

WHEREAS, it appears from a petition of the citizens of the city of Corinth and the citizens of Alcorn county, Mississippi, that it was necessary to destroy by burning two tenant houses belonging to R. F. Morrison and the household effects of R. F. Stout, who was living in one of said houses, to effect the capture of one negro, Mose Hart, a desperado, who had assaulted the officers of said city and county by shooting at them without provocation; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of mayor and aldermen of the city of Corinth and the board of supervisors of Alcorn county, Mississippi, are hereby authorized and empowered to reimburse said R. F. Morrison and R. F. Stout by the allowance of such a claim or claims as said boards may deem reasonable compensation for the destruction of said property and said boards may issue their respective warrants for said amounts allowed by them on their respective treasurers therefor.

SEC. 2. This act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 179.

H. B. No. 537.

AN ACT to remove the disabilities of Robert Pender, of Attala county and to restore to him the right of suffrage.

Right of suffrage restored to Robert Pender.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the disabilities of Robert Pender, of Attala county, be removed, and that he be restored to the right of franchise and citizenship in this state.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

[S. S.]

CHAPTER 180.

H. B. No. 224.

AN ACT to restore the right of suffrage to Theodore Ross, Mack Ross and James C. George, of Alcorn county, Mississippi.

Right of suffrage restored to Theodore Ross, Mack Ross and Jas. C. George.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that Theodore Ross, Mack Ross, and James C. George, citizens of Alcorn county, state of Mississippi, be, and they each, as above named, are restored as electors to the right of suffrage in so far as the conviction for petit larceny before J. S. Dillon, justice of the peace of Alcorn county, stands of record against them in said county as fully as the legislature can do same.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 15, 1904.

CHAPTER 181.

H. B. No. 458.

AN ACT to restore the right of suffrage to Robert Speck, of Union county, Mississippi.

Right of suffrage restored to Robert Speck.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the right of suffrage is hereby restored to Robert Speck, of Union county, Mississippi.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 182.

H. B. No. 592.

AN ACT to enable cities, towns and villages incorporated under any general or special laws of this state to fix the rates and charges for the supply of water, electric lights or gas furnished by any individual, company or corporation to any such city, town or village, and the inhabitants thereof.

Rates and charges of water supply by water companies; municipal boards may regulate same.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the corporate authorities of any city, town, or village, now or hereafter incorporated under any general or special law of this state, in which any individual, company, or corporation has been, or hereafter may be, authorized by such city, town, or village to supply water, electric light, or gas to such city, town, or village, and the inhabitants thereof, be and are hereby empowered to prescribe by ordinance maximum rates and charges for the supply of water, electric light, or gas furnished by such individual, company, or corporation to such city, town, or village and the inhabitants thereof, such rates and charges to be just and reasonable. And in case the corporate authorities of any such city, town, or village shall fix unjust and unreasonable rates and charges, the same may be reviewed and determined by the chancery court of the county in which such city, town or village may be; *provided*, this act shall not be construed so as to impose the effect or obligation of any valid or binding contract with any waterworks company, electric light company, or gas company now existing or heretofore made with any individual, or water company, electric light or gas company.

SEC. 2. That this act shall be in force and take effect from and after its passage.

Approved March 19, 1904.

CHAPTER 183.

S. B. No. 3.

AN ACT to authorize and empower the city of Aberdeen to construct and maintain a waterworks and sewerage and electric light system, and to issue bonds to pay for the same, and to repeal chapter 123, acts of 1898.

City of Aberdeen authorized to contract for waterworks, sewerage and electric lights.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the mayor and board of selectmen of the city of Aberdeen be, and are hereby, authorized and empowered to construct or contract for the construction of or buy a waterworks plant

and a system of sewerage and electric light system in said city, and may adopt such plans and specifications for the construction of said waterworks and sewerage system and electric light system as they may deem proper, which said waterworks and sewerage system and electric light system, when constructed or bought, shall be and thereafter continue the property of said city.

Board of selectmen authorized to issue ninety thousand dollars (\$90,000) of bonds; notice to be given of same.

SEC. 2. That for the purpose of raising the money necessary for the construction or purchase of said waterworks and system of sewerage and electric light system, the mayor and board of selectmen shall have the power to issue, negotiate, and sell the bonds of said city to an amount not exceeding the sum of ninety thousand dollars (\$90,000), par value, bearing interest not exceeding six per cent per annum, payable annually; *provided*, however, that before any such bonds shall be issued the mayor and board of selectmen shall, after giving thirty days' notice by publication in some newspaper printed and published in said city, in order to ascertain the will of the people, cause a special election to be held by the qualified voters of the city upon the question of for or against the issuance of said bonds. If said election shall result, by a majority vote of the qualified electors of said city in favor of the issuance of said bonds, this shall be final and conclusive as to the regularity and legality of said proceedings, and render valid the issuance of said bonds.

When bonds may mature; amounts.

SEC. 3. That said bonds shall be issued in such form and in such denominations and amounts and mature at such time, or times, as said mayor and board of selectmen may by ordinance prescribe.

Tax to be levied for meeting interest and liquidating bonds.

SEC. 4. That it shall be the duty of said mayor and board of selectmen to levy and collect an annual tax over and above the tax now allowed by law upon all the taxable property in said city, to be known as the waterworks and sewerage tax and electric light tax, sufficient to meet the interest on said bonds; and they may also provide a sinking fund to meet said bonds as they mature. Said tax to be levied and collected as other taxes are levied and collected in said city, and the moneys realized therefrom to be used exclusively in liquidation of said bonds and the interest thereon.

Board may fix charges for use of water, light and sewers.

SEC. 5. The mayor and board of selectmen shall have power to charge and regulate an annual tax or rental for any and all connections with the use of said water and sewers or for the use of said electric lights, and to enforce the payment of the same. And all the moneys realized shall be applied to the keeping in repair or extension of the water mains and sewers and electric light plant, and to the liquidation of said bonds and the interest thereon.

Board authorized to acquire property and to use streams or water courses.

SEC. 6. That said mayor and board of selectmen, for the purposes of this act, have the power to acquire and hold, by purchase, donation or otherwise, all real estate and other property, and to use any stream or streams of water in Monroe county necessary to that end, and said mayor and board of selectmen for said city, or at the instance of any contractor, shall have the power to enter upon and condemn any private property necessary to the construction of said waterworks and sewerage, and may condemn the same in accordance with the provisions of the annotated code of 1892.

Board vested with all necessary authority.

SEC. 7. That said mayor and board of selectmen shall have all such further rights and powers as may be necessary or expedient for fully carrying into effect the purposes of this act.

Board authorized to submit questions of bond issues at one election.

SEC. 8. That the said mayor and board of selectmen may under the provisions of this act at one election submit the question of bonds for the construction of a waterworks and sewerage system, and also the question of the issuance of bonds for the purchase or construction of an electric light system. Or the said mayor and board of selectmen may at one election submit the question of the issuance of bonds for the construction of a waterworks and sewerage system, and may at another election submit the question of the issuance of bonds for the purchase or construction of an electric light system; *provided*, that the amount of bonds issued at both elections shall not aggregate more than the total amount authorized by this act.

SEC. 9. That chapter 123 of the acts of 1898 be, and the same is hereby repealed.

Approved March 3, 1904.

CHAPTER 184.

S. B. No. 256.

AN ACT to enable the board of mayor and aldermen of the city of Canton, in Madison county, Mississippi, to sell and convey the property now owned by said city and known as the old schoolhouse property.

City authorities of Canton empowered to sell certain schoolhouse property.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of mayor and aldermen of the city of Canton in Madison county, Mississippi, are hereby authorized and empowered to sell, either at public auction or by private sale, and for cash, or for part cash and part credit, as in the opinion of a majority of said board of mayor and aldermen may seem best, and which shall appear by a proper order entered on the minutes of said board, the property owned by said city and situated in said

Madison county, state of Mississippi, and lying partly within the corporate limits of said city, and which said property is designated on George and Dunlap's present map of said city of Canton as lots Nos. 83 and 85 on south side of Peace street of said city, and east from court square, and also lots Nos. 70 and 72 on north side of Academy street east from said square, according to said above map; said property being known as the old brick school building and grounds.

One-third of purchase money must be paid in cash.

SEC. 2. If the sale of said above described property be for part cash and part credit, at least one-third of the purchase money shall be paid cash, and no title shall pass out of said city or vest in said purchaser till all the purchase money for said property is actually paid in cash into the city treasury.

How deed to be made; sale may be at auction or private sale.

SEC. 3. The deed transferring the above described property when sold to the purchaser or purchasers thereof, shall be signed by the mayor and clerk of the board of mayor and aldermen of said city, and if the sale is made at public auction, the said board of mayor and aldermen may designate the mayor or marshal to conduct such sale, and the said board shall prescribe all necessary regulations as to time, place, notice, and terms of such sale, and may also require the property to be first offered in lots and then as a whole, and in which instance the sale shall be made, so as to realize the largest sum total, or said board may direct a sale of the entire property in the first instance, as they deem best, by a proper order entered on its minutes; but if said property is disposed of by private sale same shall be considered by said board at a regular meeting and made by a majority vote of all the members of said board, and an order shall be entered on its minutes stating the terms of said sale, and shall order a deed or deeds executed as above, when such terms are complied with.

SEC. 4. That this act take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 185.

S. B. No. 288.

AN ACT to authorize and empower the board of mayor and aldermen of the village of Flora, Madison county, Mississippi, to transfer six hundred and sixty-five dollars (\$665) of waterwork fund to the general fund of said village.

Mayor and aldermen of Flora authorized to transfer waterworks fund.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of mayor and aldermen of the village

of Flora, in Madison county, Mississippi, be, and the same are hereby, authorized and empowered to transfer six hundred and sixty-five dollars (\$665), now on hand in the village of Flora, to the credit of the waterwork fund, to the general fund of said village, to be used as said board of mayor and aldermen may direct.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 186.

S. B. No. 25.

AN ACT authorizing and empowering the city of Jackson to issue bonds for waterworks purposes, and to provide water for the city and its inhabitants.

City of Jackson authorized to issue bonds for purchasing waterworks; election to be held.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the mayor and board of aldermen of the city of Jackson be, and they are hereby authorized to submit to the qualified electors of said city at its next regular election of officers in said city, or at a special election to be ordered by the mayor and board of aldermen for that purpose, the question whether the city shall establish, own and maintain a system of waterworks and issue bonds therefor, and the ballots used at such election shall be so prepared as to fully present the question to the voters; that is to say, the ballots shall have printed upon them the following:

"Shall the city establish, own and maintain a waterworks system and issue bonds therefor?"

"Yes.

"Nay."

And at said election each voter shall indicate his preference by making a cross (X) opposite either "yea" or "nay" on said ballot, and the officers of said election shall make due return thereof to the mayor and board of aldermen of said city.

May purchase any existing waterworks plant.

SEC. 2. If a majority of the electors vote in favor of the city establishing, owning and maintaining a waterworks system, then the city shall be fully empowered in the premises, and shall establish, own and maintain a waterworks system, and in doing so may purchase, if the same can be done on favorable terms, to the city's advantage, any existing waterworks plant or any part thereof.

Mayor and board of aldermen authorized to issue bonds without an election.

SEC. 3. The mayor and board of aldermen of said city of Jackson are hereby authorized and empowered to issue the bonds of said

city, without an election by the voters of the said city other than the one provided for in the first section of this act, but otherwise under and in pursuance of the provisions of sections 3014, 3015, 3016, and 3017 of the annotated code of Mississippi, 1892, to the amount of not more than two hundred and fifty thousand dollars (\$250,000) for the purpose of raising funds with which to establish, operate and maintain a system of public waterworks for said city or to carry out its obligations assumed in respect to waterworks.

Waterworks system to be ample to meet demands of city.

SEC. 4. The waterworks system to be owned, operated and maintained by the city shall be made fully ample to meet all the necessities of the city and its inhabitants and furnish an abundant supply of pure and wholesome water for domestic purposes, and with plentiful water for the extinguishment of fires, flushing of streets and other like purposes.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 6, 1904.

CHAPTER 187.

H. B. No. 216.

AN ACT to authorize and empower the town council of Lexington, in the county of Holmes, to issue negotiable bonds for the purpose of erecting a new school building or buildings on the site of the Lexington public school and other property.

Holmes county authorized to issue bonds for new school building.

WHEREAS, the present brick building in the town of Lexington, and county of Holmes, now used as a white school building, and in which a school for white children has heretofore been conducted, is now in a dangerous and menacing condition on account of old age and want of repair; and

WHEREAS, the trustees of said school, acting with the advice and consent of the town council of Lexington, have authorized and directed the principal of said school to discontinue the use of said brick school building on account of its dangerous condition, and to make other arrangements and secure other temporary quarters for the continuance of said school for the balance of the present term of said school; and

WHEREAS, at best, it is impossible to secure any quarters that are at all commensurate with the needs of said school; now, therefore,

Town council to issue and negotiate same; not to exceed twenty-five thousand dollars (\$25,000) in amount.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that for the purpose of erecting and equipping a new

and modern municipal building or buildings for the use of the white public school of said town on said public school property, and other property that may be donated to said town of Lexington for that object, the town council of said town are hereby authorized and empowered to prepare, issue, and negotiate or sell, at not less than par, the coupon bonds of said town to an amount not to exceed twenty-five thousand dollars (\$25,000).

To bear interest at the rate of five per cent and payable in thirty years.

SEC. 2. That the bonds to be issued as aforesaid shall be designated municipal school bonds, and shall be of the denomination of five hundred dollars (\$500) each, bearing a rate of interest not exceeding five per centum per annum, evidenced by annual coupons, and the principal payable thirty years after date, or at the option of the town council of Lexington, after five years from date, such and so many of said bonds may be called in and paid from time to time, as may be determined, by lot, and in the manner and upon the notice to be provided by an ordinance of said town, adopted before the issuance of said bonds. Said bonds shall be lithographed or engraved, and in such form and with such devices as the said town council of Lexington may adopt, and be numbered from one to fifty respectively, or according to the actual number of said bonds so issued, not exceeding said amount, and be registered by the clerk of said town council of Lexington in a book kept for that purpose, with such rulings and captions as said town council of Lexington may prescribe by ordinance. The principal and interest of said bonds shall be payable at the office of the town treasurer, and said bonds shall be signed by the mayor of said town, and bear the corporate seal, and be countersigned by the clerk of said town council of Lexington, but the signatures said officers to the coupons may be *fac simile* engravings of their genuine signatures.

Council to provide for a redemption fund.

SEC. 3. That the said town council of Lexington, in their annual levy of taxes for school purposes, shall provide for the payment of the annual interest on said bonds, and the establishment of a sinking or redemption fund, to be used in the payment of the principal of said bonds, either at maturity or when called in by lot as hereinbefore provided, and that whenever any of said bonds shall have been called in upon the notice and in the manner provided in said ordinance, if the holder thereof shall fail or refuse to present the same for payment and collection, such bonds shall cease to bear interest at the maturity of the coupon next due thereon, and all other coupons maturing subsequently thereto shall be null and void, and the interest evidenced thereby uncollectible.

SEC. 4. That this act shall take effect and be in force from and after its passage.

Approved February 19, 1904.

CHAPTER 188.

H. B. No. 444.

AN ACT to authorize the city of Meridian to issue bonds for the construction of a waterworks plant.

City of Meridian authorized to issue bonds for waterworks plant.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that whereas, on the 2d and 4th days of August, 1902, an election was held in the city of Meridian, as provided by the acts of 1894 of the legislature of the state of Mississippi, authorizing the issuance of one hundred and fifty thousand dollars (\$150,000) of bonds, to be used in the construction of a waterworks plant in said city of Meridian, and that at said election so held on the said 2d and 4th days of August, 1902, a large majority of the qualified electors of said city voted in favor of the issuance of said bonds, and that whereas some doubts or suspicions have been cast upon the validity of said bonds because of alleged irregularities in said election, which prevent or hinder the sale of said bonds at their fair market price, the said bonds authorized to be issued under and by virtue of said election be, and are hereby, in all things cured and validated.

Amount not to exceed one hundred and fifty thousand dollars (\$150,000).

SEC. 2. That the mayor and boards of councilmen and aldermen of the city of Meridian, Mississippi, be, and they are hereby, authorized and empowered to issue said bonds hereinbefore mentioned in the said amount of one hundred and fifty thousand dollars (\$150,000), to be used in the construction of a waterworks plant in the said city of Meridian.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 189.

H. B. No. 506.

AN ACT to authorize and empower the board of mayor and aldermen of the town of Myrtle, Union county, Mississippi, to issue bonds for the purpose of improving the public school building in said town.

Town of Myrtle authorized to issue bonds for school building.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that, for the purpose of improving, repairing, and enlarging the white public school building of the town of Myrtle, the board of mayor and aldermen of the town of Myrtle, Union county, Mississippi, are hereby authorized and empowered to issue and

negotiate or sell, at not less than par, coupon bonds to an amount not to exceed the sum of fifteen hundred dollars (\$1,500).

To be in denominations of one hundred dollars (\$100), at five per cent interest.

SEC. 2. The bonds to be issued as aforesaid shall be in denominations of one hundred dollars (\$100) each, payable to bearer, and bearing interest at a rate of interest not exceeding five per centum per annum, evidenced by annual coupons. The principal of said bonds shall be payable fifteen years after date thereof, or at the option of the said board of mayor and alderman, after eight years from date of such and so many of said bonds may be called in and paid from time to time as may be determined, in the manner and upon the notice to be provided by an ordinance of said board of mayor and aldermen, to be adopted before the issuance of said bonds. Said bonds shall be lithographed or engraved, and in such form with such devices as the said board may adopt, and be numbered from one to fifteen respectively, or according to the actual number of bonds so issued, not exceeding said amount, and be registered by the clerk of said town of Myrtle in a book kept for that purpose. The principal and interest of said bonds shall be payable at the office of the treasurer of said town of Myrtle. Said bonds shall be signed by the mayor of said town, and countersigned by the clerk, but the signatures of said officers to said coupons may be *fac simile* engravings of their genuine signatures.

Board may provide for a sinking fund.

SEC. 3. The said board of mayor and aldermen in their annual levy of taxes shall provide for the payment of the annual interest on said bonds, and may provide for the establishment of a sinking or redemption fund, to be used in the payments of said bonds at maturity, or when called in in the manner hereinbefore provided.

Bonds to cease bearing interest after called in.

SEC. 4. Whenever any of said bonds shall have been called in, as hereinbefore provided, if the holder thereof shall fail or refuse to present the same for payment and collection, such bonds shall cease to bear interest at the maturity of the coupon next due thereon, and all other coupons maturing thereafter shall be null and void, and the interest evidenced thereby uncollectible.

Not to be issued unless majority of qualified electors order same.

SEC. 5. Said bonds shall not be issued unless authorized by a majority of the qualified electors of the said town of Myrtle, voting in an election to be held for that purpose upon such notice as may be provided by an ordinance to be adopted by said board of mayor and aldermen. All expense of preparing the bonds, publishing notices and holding said election, shall be paid out of the municipal treasury.

SEC. 6. That this act take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 190.

S. B. No. 154.

AN ACT reconveying to the former owners, their heirs or assigns, certain lots of land at Pass Christian, conveyed to the state of Mississippi for military purposes, wherein the state failed to carry out any of the conditions of said conveyance to the state.

To reconvey to certain parties lands heretofore conveyed to the state for military purposes.

WHEREAS, Elliot Henderson, on the 22d day of July, 1886, for and in consideration of five dollars (\$5), paid by Robert Lowry, governor of the state of Mississippi, and for the benefit solely of said state, and for the further consideration hereinafter mentioned, sold and conveyed to the state of Mississippi the property described as "all those two certain lots or parcels of land lying and being situate in the said state of Mississippi, county of Harrison, and more particularly described as follows, to wit: Lot 1 being situate in section 34, township 8, range 13 west, and is the identical lot of land inherited by the party of the first part from the late John Henderson, as per division of real estate of said John Henderson, effected by F. B. Hiern, W. B. Lightfoot and Pierre Saucier, of date the 22d day of May, 1858, of record in said county, and designated in said partition as lot No. 4, and which fronts south upon the Gulf of Mexico in the width of five hundred and one feet, six inches, and continues thence between converging lines two thousand feet, the eastern boundary line running north 9 degrees, 54 west, and the western side line north 6 degrees, 29 west, and is bounded south by the Gulf of Mexico, east by the property of Mrs. C. L. Henderson, north by the lands of vendor, and west by the property of Mrs. J. P. Hamner. Lot 2 is situate immediately to the rear of and adjoining lot 1 hereby conveyed, in sections 34 and 27, township 8, range 13 west, and has its southeastern beginning corner at a point upon the western side line of a public road or street known and designated as Boisdore avenue, at a distance (measured in a northern direction) of two hundred feet, more or less, from northern boundary of right of way of the Louisville and Nashville railroad company, and two thousand feet from the seashore of the Gulf of Mexico, and which starting point constitutes the northeastern corner of a lot of land designated as lot 6 or the clearing in the partition of the real estate of the late John Henderson as aforesaid, and continuing thence in a northwestern direction by the rear boundary lines of lots 6, 5, 4, and 3 as per partition aforesaid at the uniform distance of two thousand feet from the seashore, or two hundred feet, more or less, from and parallel to the right of way of the Louisville and Nashville Railroad Company, as aforesaid, to the supposed distance of twelve hundred and fifty feet, more or less, till it intersects and joins the northwestern corner of lot 3 as aforesaid, where the same

terminates on the eastern side of a pond, or marsh, which flows into the second bayou, thence in a northwestwardly direction by the eastern margin of said marsh to such point upon the same that a line running thence in an eastern direction parallel with the right of way of the Louisville and Nashville Railroad Company would intersect the western side of Boisdore avenue at such a distance, measured in a straight line by the western margin thereof from the beginning corner, as to exactly contain a superficial area of fifty acres, and which lot of land is bounded south by the property of Mrs. C. L. Henderson, lot 1 of grantor hereinbefore granted, and property of Mrs. J. P. Hamner, on the west and north by property of the grantor, and on the east by Boisdore avenue, as aforesaid; and

WHEREAS, on the 18th day of August, 1886, Catherine L. Henderson, Louis F. Henderson and John L. Henderson sold and conveyed to the state of Mississippi, for and in consideration of the sum of five hundred and ninety-four dollars (\$594), cash paid, by Robert Lowry, governor of the state of Mississippi, for the sole benefit of the state of Mississippi, and for the further consideration hereinafter mentioned, the property described as: All that certain lot of land with the appurtenances lying and being situate in the county of Harrison, state of Mississippi, in section 34, township 8, range 13 west, and is portion of the identical lots of land inherited by the parties of the first part from the late John Henderson, as per plan of division effected by F. B. Hiern, W. B. Lightfoot, and Pierre Saucier, commissioners, and which is of date the 22d day of May, 1858, and duly recorded in the records of Harrison county, and which lots are designated in said partition as lots Nos. 5 and 6, and front south upon the seashore of the Gulf of Mexico in the width of five hundred and ninety-four feet, and continues thence in northern direction between converging lines a distance of two thousand feet, the eastern side line running a course of north 17 degrees, 0 west, and that of the western side line being north 9 degrees, 54 minutes west, and which lot of land is bounded south by the Gulf of Mexico, east by the property of the present vendors, north and west by lands formerly belonging to Elliot Henderson, and by him sold to the state for military purposes; and

WHEREAS, on the 31st day of July, 1886, Julia P. Hamner, for and in consideration of the sum of one hundred and five dollars (\$105), cash paid by Robert Lowry, governor of the state of Mississippi, for the benefit solely of the state of Mississippi, and for the further consideration hereinafter mentioned, sold and conveyed to the state of Mississippi, the property described as: All that certain tract or lot of land with the appurtenances lying and being situate in the county of Harrison, state of Mississippi, in section 34, township 8, range 13 west, and is the identical lot of land inherited from the mother of the party of the first part, Mrs. Louisa A. Henderson, to whom the same was assigned in the division of the

real estate of the late John Henderson, as per plan of division effected by F. B. Hiern, W. B. Lightfoot and Pierre Saucier, commissioners, and which is of date the 22d day of May, 1858, and duly recorded in the records of Harrison county, and which lot is designated in said partition as lot No. 3, and fronts south upon the seashore of the Gulf of Mexico in the width of one hundred and five feet, three inches, and runs thence in a northwardly direction between converging lines a distance of two thousand feet, the eastern side line running north 6 degrees, 29 minutes west, and the course of the western boundary line being north 5 degrees. 45 minutes west, and which lot of land is bounded south by the Gulf of Mexico, east and north by lands formerly owned by Elliot Henderson, and by him conveyed to the state for a military camp ground, and west by property or present vendor.

State was to use lands for a military camping ground.

The further consideration for which said respective lots of land were conveyed to and accepted by the state of Mississippi was as is set forth in each of said conveyances, that the state of Mississippi was to use said property annually and for all time for the purpose of a military camp ground for the white troops of the state of Mississippi (and for such other white troops as the military authorities should invite to participate in said company), for such length of time, not to be less than six days each year, as to said military authorities should seem best, and to erect thereon such buildings, batteries, fortifications and all such other buildings, out-houses, etc., as to them should seem most proper to promote the military skill and efficiency of the state troops, as might be necessary for the comfort, shelter and health of the men and officers and to carry out successfully the end in view and for which said donation was made, and that the state should not sell or otherwise encumber said premises, and that it should not abandon said property, and if the state should fail or refuse for the period of two years to use or occupy the same for the purposes for which said property was conveyed to the state, then in that case said conveyance was to be null and void, and the title to each said pieces or parcels should revert in fee simple to each of said respective vendors, his or her heirs or assigns, as appears by the said conveyance from Elliot Henderson to the state of Mississippi, recorded in book No. 22, pages 241, 242, and 243 of the record of deeds in the office of clerk of the chancery court of said county of Harrison; and the conveyance from Catherine L. Henderson, Louis F. Henderson and John L. Henderson to the state of Mississippi, recorded in book No. 22, pages 245, 246, and 247 of the record of deeds in the office of the clerk of the chancery court of said county of Harrison; and the conveyance from Julia P. Hamner to the state of Mississippi, recorded in book No. 22, pages 243, 244, and 245 of the record of deeds in the office of the clerk of the chancery court of said county of Harrison; and

Title reconveyed to original owners.

WHEREAS, the state of Mississippi has failed to comply with any of the conditions of said conveyances to the state; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the state of Mississippi releases all claims to and conveys to the said Elliot Henderson, his heirs or assigns, the above described land conveyed by him to the state of Mississippi, and releases and conveys to Catherine L. Henderson, Louis F. Henderson and John L. Henderson, their respective heirs or assigns, said land conveyed by them to the state of Mississippi; and releases all claims to and conveys to the said Julia P. Hamner, her heirs or assigns, said land conveyed by her to the state of Mississippi.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 191.

H. B. No. 542.

AN ACT to repeal the charter of the village of Vossburg.

Charter of the village of Vossburg repealed.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the charter incorporating the village of Vossburg, in Jasper county, Mississippi, approved by the governor on the 27th day of June, A. D. 1900, is hereby repealed.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 192.

H. B. No. 448.

AN ACT to authorize the city of Water Valley, in the county of Yalobusha, to issue bonds to provide schoolhouses.

City of Water Valley authorized to issue bonds for building schoolhouses.

WHEREAS, the city of Water Valley, in the county of Yalobusha, is without schoolhouses suitable for the accommodation of the children of said city; and

WHEREAS, said city has already issued bonds to the limit allowed by the general laws of this state; and

WHEREAS, it is the wish of the people of said city, as expressed by petition, that a special act be passed for their relief; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the mayor and board of aldermen of the city of Water Valley, in the county of Yalobusha, be, and they are hereby, authorized and directed to order an election to be held in said city, at which election the question of whether bonds shall be issued or not shall be submitted to the qualified electors of said city.

Three weeks' notice to be given of election.

SEC. 2. That three weeks' notice shall be given of said election by publishing the same in the city newspapers, and said election shall be conducted and the results ascertained in the same manner as other city elections.

Qualified electors entitled to vote.

SEC. 3. That all qualified electors in said city, who are legally registered voters, and who have paid their taxes, shall be entitled to vote in said election.

Ballots to be printed; what to contain.

SEC. 4. That the ballots to be used and voted in said election shall be printed under the direction of the mayor and board of aldermen, and on said ballots shall be plainly submitted the questions:

"For school bonds?"

"Against school bonds?"

And the voter shall express his will by marking his ballot with a X opposite his choice, as provided by the general laws of this state for marking ballots.

Two-thirds majority to decide.

SEC. 5. That if it be found that a two-thirds majority of the voters, voting in said election, are in favor of the issuance of bonds, then the question of issuance shall be declared carried, and so entered of record on the minutes of the board of aldermen.

Issue to be twenty-five thousand dollars (\$25,000) in amount; not to run longer than twenty years.

SEC. 6. That if the issuance of bonds be authorized as above provided, then the mayor and board of aldermen shall be, and they are hereby authorized to proceed and prepare for issuance and issue interest-bearing bonds of said city of Water Valley in the manner and form provided by the code, chapter No. 93, on municipalities for the issuance of bonds to the amount of twenty-five thousand dollars (\$25,000), said bonds not to run more than twenty years, and they are authorized to sell said bonds and use the money arising therefrom in the procurement of grounds, erection and equipment of schoolhouses for said city of Water Valley; *provided*, however, said bonds shall not be sold for less than par value, and *provided further*, said bonds shall not be issued to draw interest at a rate exceeding six per cent per annum.

Committee of five freeholders to constitute the building committee.

SEC. 7. That the mayor and board of aldermen of said city of Water Valley shall appoint a committee of five discreet freeholders

of said city, who shall constitute the building committee, which committee shall have supervision and direction of the plans, specifications, erection and equipment of the schoolhouses to be provided, and said committee shall make report to, and their actions shall have the approval of, the mayor and board of aldermen, and no monies are to be expended or ordered by said committee until approved by the mayor and board of aldermen.

SEC. 8. That all laws and parts of laws in conflict with this act shall be repealed, and this act shall take effect and be in force from and after its passage.

Approved March 5, 1904.

CHAPTER 193.

H. B. No. 416.

AN ACT entitled "An act to authorize the council of Yazoo City, Mississippi, to appropriate money for the support and maintenance of the 'King's Daughters' Hospital, located in or near Yazoo City, Mississippi."

City council of Yazoo city authorized to aid King's Daughters hospital.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the council of Yazoo City, Mississippi, be, and is hereby, authorized to make such appropriations out of the general funds of Yazoo City as it may deem proper for the support and maintenance of the hospital to be erected by the "King's Daughters" in or near Yazoo City, Mississippi.

Approved March 9, 1904.

CHAPTER 194.

H. B. No. 106.

AN ACT to relinquish all the interest of the state of Mississippi in and to a certain lot in Yazoo City, Mississippi, to Thomas Humphrey Campbell and directing the land commissioner to convey by deed to said Thomas Humphrey Campbell the interest of the state in said land.

Relinquishing claim of state in certain property to Thomas Humphrey Campbell.

WHEREAS, John Mayes entered into service in the Confederate army in 1861; and,

WHEREAS, He was killed at the battle of Corinth during civil war; and,

WHEREAS, when he entered said service he owned the following described property lying, being and situate in Yazoo City, Missis-

issippi, to wit: that part of lot 461 bounded on the north by Willis ditch, on the east by the lots of A. J. Collins and Lucy Gower, on the south by Fillmore street, and on the west by the lots of Jas. Fromherz. Being the same property which John Mayes acquired from Camilla Stevens by deed recorded in deed book V, page 777, of the records of deeds of Yazoo county, at which time he left a wife and one child, named John B. Mayes, residing upon above described property as their homestead; and,

WHEREAS, said wife and child continued to reside upon said property until the death of said John B. Mayes, who died in 1873, unmarried and intestate, his mother having died previous to this time without making any will; and,

WHEREAS, since that time the property has been occupied, held and possessed by the heirs of said John B. Mayes, who acquired said property by descent; and,

WHEREAS, Charles Eisloeffell, who acquired all the outstanding interest of the other heirs, and has sold said property to Thomas Humphreys Campbell; and,

WHEREAS, said John Mayes was an Englishman by birth, and there was some doubt as to whether he ever became a naturalized citizen of the United States; and,

WHEREAS, under the code of 1857, articles 65 and 66 of section 9, chapter 36, aliens could not transmit real estate by descent, said act providing that the estate should escheat to the state and should be sold and the proceeds be paid into the state treasury and to be paid to the heirs of the deceased, provided the heirs applied for the money not later than six years after it was placed in the treasury; but,

WHEREAS, under articles 1 and 2 of chapter 57, page 398 of the code of 1857, that entry or action to recover land must be brought within ten years after right accrued, both at law and in equity; and,

WHEREAS, by the same chapter, article 25, page 402, provided that this act should apply to actions as well by the state as by individuals; and,

WHEREAS, this last named provision was not amended or repealed until January 24, 1877, which provided that limitations or actions should not apply to any action brought by the state to establish its title or right to any lands; now, therefore, since the state failed to assert its right, even if it possessed any, before time allowed by code of 1857 (and has never at any time asserted any title) it is barred forever from asserting any title by said code of 1857; and,

Land commissioner authorized to make quit claim deed.

WHEREAS, said Thomas Humphreys Campbell and those through whom he claims title have been in uninterrupted, open, adverse, peaceable possession for forty-three years or more;

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the state of Mississippi relinquish and quit claim to said Thomas Humphreys Campbell and any one claiming through him the aforesaid land, and the land commissioner be and is author-

ized and directed upon application made by Thomas Humphreys Campbell, or any one claiming through him to execute to such applicant a deed conveying any title the state may have to the aforesaid land.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 195.

H. B. No. 316.

AN ACT to authorize the board of supervisors of Amite county, Mississippi, to relieve D. N. Causey and others for guarding and maintaining, and Dr. H. L. Lewis, for medical attention given one Mack Strother a wounded prisoner, who could not be moved to county jail by reason of wounds received while attempting to escape.

For relief of D. N. Causey and others.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Amite county be, and they are hereby authorized to relieve D. N. Causey and others for guarding and maintaining one Mack Strother, a wounded prisoner who could not be moved to county jail by reason of wounds received while attempting to escape, and to relieve Dr. H. L. Lewis for medical attention given said prisoner.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 18, 1904.

CHAPTER 196.

S. B. No. 248.

AN ACT to authorize the board of supervisors of Attala county to pay to T. S. Proctor one hundred and eighty-three dollars and sixty-eight cents (\$183.68) for services rendered said county as tax assessor in making reassessment of same after assessment rolls had been destroyed by fire in July, 1896.

To pay T. S. Proctor for services in reassessing lands.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Attala county be, and the same is hereby empowered, in its discretion, to pay to T. S. Proctor from general county fund any sum not exceeding one hundred and eighty-three dollars and sixty-eight cents (\$183.68), for services rendered in making reassessment of said county after assessment rolls had been destroyed by fire in July, 1896.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 197.

S. B. No. 207.

AN ACT to authorize the board of supervisors of Attala county to pay to T. J. Fowler, superintendent of education of said county for 1903, the sum of four hundred and five dollars (\$405), at its discretion, or so much thereof as it may see proper, out of the school fund of 1904, or so much thereof as it may deem necessary, to cover an error in failing to charge up to the surplus school fund the cost of certain maps for use in the public schools of said county, and also for shortage caused by not allowing sufficient amount to cover treasurer's commission out of the school fund for 1903.

To pay T. J. Fowler to cover shortage in school fund.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Attala county be, and it is at its discretion hereby authorized and empowered in their discretion to pay to T. J. Fowler, superintendent of education for the year 1903, four hundred and five dollars (\$405), or so much thereof as they may see proper, to cover a shortage in the school fund of 1903, caused by failure to deduct from the surplus of 1903 the cost of school maps for the schools of said county and to pay treasurer's commissions.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 198.

H. B. No. 261.

AN ACT to authorize the board of supervisors of Attala county to pay Mrs. N. A. Hutchinson the sum of fifty-four dollars (\$54) for back taxes overpaid during years of 1895, 1896 and 1897.

To pay Mrs. N. A. Hutchinson for back taxes overpaid.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi* that the board of supervisors of Attala county be, and it is hereby authorized and empowered to pay to Mrs. N. A. Hutchinson of Attala county the sum of fifty-four dollars (\$54) for back taxes overpaid during years of 1895, 1896 and 1897.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 199.

S. B. No. 324.

AN ACT authorizing the boards of supervisors of Bolivar and Sunflower counties to pay J. M. Goff for certain mules and one horse killed to prevent the spread of glanders.

To pay J. M. Goff for glandered stock killed.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the boards of supervisors of the counties of Bolivar and Sunflower are hereby authorized and empowered, in the discretion of the members of said boards, to pay to J. M. Goff such sum as they may respectively deem just and proper, to compensate him for certain mules and one horse killed in 1902 to prevent the spread of the disease known as glanders.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 200.

H. B. No. 340.

AN ACT to authorize the board of supervisors of Bolivar county, Mississippi, to make an appropriation to the King's Daughters, Circle No. —, of Rosedale, Mississippi, for the purpose of constructing a home or hospital in the city of Rosedale.

Board of supervisors of Bolivar county authorized to appropriate money to King's Daughters hospital.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Bolivar county, Mississippi, be, and are hereby, authorized and empowered to make an appropriation out of the funds of said county not to exceed the sum of ten thousand dollars (\$10,000), to the King's Daughters, Circle No. —, of Rosedale, Mississippi, which money, when appropriated by said board, shall be used by said King's Daughters, Circle No. —, in the construction of a home or hospital for the sick and destitute in said county.

SEC. 2. That the expenditure of said money, when appropriated, shall be under the control and direction of said board, and that the said board has the power and authority to appoint trustees to represent the county in the proper expenditure of said money and the management of said home or hospital, when erected.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved February 24, 1904.

CHAPTER 201.

H. B. No. 595.

AN ACT to authorize the board of supervisors of Calhoun county to pay Dr. W. H. Hardin for services rendered in forty-seven cases of smallpox to the amount of four hundred and seventy dollars (\$470).

To pay W. H. Hardin for services in smallpox epidemic.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Calhoun county are hereby authorized and empowered, in their discretion, to pay Dr. W. H. Hardin a sum not exceeding four hundred and seventy dollars (\$470), for services rendered in forty-seven cases of smallpox.

SEC. 2. That this act be in force and take effect from and after its passage.

Approved March 22, 1904.

CHAPTER 202.

H. B. No. 244.

AN ACT for the relief of W. E. Miers, county contractor for the working of the public roads of Carroll county, authorizing the board of supervisors of said county to pay him a certain sum due him under contract, which the board of supervisors are not authorized to allow him under the present road law.

To authorize payment of certain sum to W. H. Miers.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Carroll county be, and it is authorized to issue a warrant on the county treasurer of said county, payable to the said W. E. Miers, in the sum of nineteen hundred and five dollars (\$1,905), or a warrant for such sum as the board of supervisors may find that it is due him, not to exceed nineteen hundred and five dollars (\$1,905).

SEC. 2. That this act take effect from and after its passage.

Approved March 18, 1904.

CHAPTER 203.

H. B. No. 584.

AN ACT to authorize and empower the board of supervisors of Carroll county, Mississippi, to dedicate ground and to make an appropriation, if it sees proper, to aid in the erection of a confederate monument in memory of the confederate soldiers of said county.

Board of supervisors of Carroll county authorized to aid in erection of confederate monument.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Carroll county, Missis-

sippi, be, and it is hereby, authorized to dedicate a plot or parcel of ground, upon any of the public grounds belonging to said county, upon which there may be erected a monument to commemorate the deeds, valor and heroism, and to perpetuate forever the memory of the confederate soldiers of said county.

SEC. 2. That said board of supervisors of Carroll county be, and it is hereby expressly authorized and empowered, if in its discretion it sees proper to do so, to make any appropriation it sees fit from the general county fund of said county to aid in the erection of said monument and thus officially to sanction same.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 204.

H. B. No. 16.

AN ACT for the relief of T. N. Emmons, a citizen of Carroll county, authorizing the board of supervisors of said county to reimburse him for certain mules and stock killed by the sheriff by order of the board of supervisors.

To reimburse T. N. Emmons for glandered stock killed.

WHEREAS, at the August term, 1901, the board of supervisors of Carroll county, to prevent the spread among stock of a contagious and deadly disease commonly known as "glanders," passed and had entered on the minutes of said board an order directing W. J. Woodell, sheriff of Carroll county, to go on the premises of T. N. Emmons and kill certain mules and stock belonging to the said T. N. Emmons, affected with said disease; that the said W. J. Woodell, sheriff, did as directed by the order of said board and killed certain mules and stock belonging to the said T. N. Emmons, valued at about six hundred dollars (\$600); therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Carroll county be, and it is hereby authorized to issue a warrant on the county treasurer of said county, payable to the said T. N. Emmons, in the sum of six hundred dollars (\$600), or so much thereof as is necessary, to reimburse him for said stock; provided, the board of supervisors may think any allowance proper.

SEC. 2. That this act take effect from and after its passage.

Approved February 19, 1904.

CHAPTER 205.

H. B. No. 157.

AN ACT to authorize the board of supervisors of Chickasaw county to pay to the city of Okolona seven hundred and eighty-three dollars and ninety-five cents (\$783.95), or so much thereof as the board in their discretion may see proper, money expended by said city in caring for and having treated smallpox patients during the year 1902.

Supervisors of Chickasaw county authorized to pay city of Okolona for money spent in smallpox epidemic.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Chickasaw county be, and are hereby, authorized and empowered to pay to the city of Okolona the sum of seven hundred and eighty-three dollars and ninety-five cents (\$783.95), or so much thereof as the board in their discretion may see proper, money expended by said city in caring for and having treated smallpox patients during the year 1902.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 19, 1904.

CHAPTER 206.

H. B. No. 295.

AN ACT authorizing the board of supervisors of Choctaw county to pay Jesse Hughes, chancery clerk, for services as county auditor of said county for the years 1900 and 1901.

To pay Jesse Hughes for services rendered as county auditor of Choctaw county.

WHEREAS, Jesse Hughes was clerk of the chancery court of Choctaw county for the years 1900 and 1901, and by virtue of said office was county auditor of said county; and,

WHEREAS, by an act of the legislature of the year 1896, chapter 124, page 128, said Choctaw county was divided into two circuit and chancery court districts; and,

WHEREAS, section 2027a, code of 1892, provides that in counties having two judicial districts the compensation allowed clerks, sheriffs and other officers paid out of the treasury, the sum may be for each district the same as if they are separate counties; and,

WHEREAS, the assessed values of the real and personal property of said Choctaw county for the years 1900 and 1901 did exceed one million dollars (\$1,000,000); and,

WHEREAS, by and under the provisions of section 1, chapter 40, page 35, acts 1894, the said Jesse Hughes was entitled to one hundred and fifty dollars (\$150) for each district, but by mistake when

he put in his claim to the board of supervisors for allowance he put it in for one hundred dollars (\$100) for each district for each year, and that amount was allowed him by the board of supervisors of said county, when in fact he should and ought to have been allowed one hundred and fifty dollars (\$150) for each district for each year of 1900 and 1901; and,

WHEREAS, the said Jesse Hughes did present his claim to the said board of supervisors of said county for an additional allowance of fifty dollars (\$50) for each district for the years 1900 and 1901, amounting in the aggregate to two hundred dollars (\$200), but owing to lapse of time and because the claim had not before been presented for allowance, doubt did arise in the minds of the supervisors as to whether or not they could allow said claim; therefore,

board authorized to allow two hundred dollars (\$200).

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Choctaw county be, and it is hereby, authorized and empowered, in their discretion, to issue a warrant for two hundred dollars (\$200), payable out of the general funds of the treasury, to Jesse Hughes, for services as county auditor of said county for the years 1900 and 1901.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 207.

H. B. No. 252.

AN ACT authorizing the board of supervisors of Choctaw county to pay Rufus D. Prewitt, tax assessor of said county, for making extra copies of assessment rolls, in accordance with chapter 124, acts of 1896.

To pay Rufus D. Prewitt for making assessment rolls of Choctaw county.

WHEREAS, by an act of the legislature of the state of Mississippi of the year 1896, chapter 124, page 128, the county of Choctaw was divided into two circuit and chancery court districts; and,

WHEREAS, by the provisions of section 12 of said act it is made the duty of the tax assessor of said Choctaw county "to file with the clerk of the chancery court of said county two copies each of the land and assessment rolls of said county, filing one of each with said clerk at his office in the town of Chester and one of each in his office at Ackerman;" and,

WHEREAS, there is no provision of law for paying the said tax assessor of said Choctaw county for making but one copy of each of said assessment rolls; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Choctaw county be,

and it is hereby, authorized and empowered, in their discretion, to issue a warrant payable out of the general fund of the county, to Rufus D. Prewitt, the tax assessor of said county, a reasonable amount, not to exceed one cent for each personal assessment, and two cents for each separate assessment of lands per copy; but the board of supervisors may allow as much as fifty dollars (\$50) in any case for copying the personal roll, for the extra work of making two additional copies of each of said assessment rolls for the years 1900, 1901, 1902 and 1903.

Supervisors to make allowance hereafter for two rolls.

SEC. 2. That the board of supervisors of said county is hereby authorized, empowered, and it is hereby made its duty hereafter to make an allowance to the tax assessor each year for the making of the two extra copies of the assessment rolls of said county.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 208.

S. B. No. 116.

AN ACT to authorize the board of supervisors of Claiborne county, in their discretion, to appropriate out of the county funds not exceeding fifteen hundred dollars (\$1,500), or so much thereof as may be necessary, for the purpose of buying a lot and erecting a pavilion thereon where all the schools of the county—teachers, pupils, parents and others—may publicly meet at stated meetings for the purpose of examinations, debates, declamations and the awarding of medals for proficiency, etc.

Board of supervisors of Claiborne county empowered to erect a pavilion for public educational rallies.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Claiborne county be, and the same are hereby authorized and empowered, in their discretion, to appropriate out of the county funds the sum of fifteen hundred dollars (\$1,500), or so much thereof as may be necessary, for the purpose of buying a lot of ground in said county and erecting thereon a pavilion where the county school board, superintendent of education, teachers, pupils, parents and others of the county may publicly meet at stated meetings for the purpose of examinations, readings, essays, declamations and debates, and where diplomas, certificates of graduation and medals for proficiency may be awarded.

SEC. 2. That should the said board of supervisors see proper to erect said pavilion, then the same shall be as centrally located in the said county as practicable, and the same shall be erected under the

supervision of the county school board and superintendent of education, who also shall have the care and control of the same.

SEC. 3. That this act shall be in force and take effect from and after its passage.

Approved March 3, 1904.

CHAPTER 209.

H. B. No. 180.

AN ACT to authorize the board of supervisors of Clarke county to pay to Dr. Basil George the sum of two hundred dollars (\$200), or so much thereof as they may deem proper, from any money that may be in the county treasury, for medical services rendered the county during the winter of 1898 and 1899, and the spring of 1900, as acting county health officer during the smallpox epidemic.

To pay Dr. Basil George for services in smallpox epidemic.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Clarke county be, and is hereby authorized and empowered to pay Dr. Basil George, of Clarke county, the sum of two hundred dollars (\$200), or so much thereof as they may deem proper, from any money that may be in the county treasury, for medical services rendered the county during the winter of 1898 and 1899, and the spring of 1900, as acting county health officer during the smallpox epidemic.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 8, 1904.

CHAPTER 210.

H. B. No. 601.

AN ACT to authorize the board of supervisors of Clay county to pay James Allen for horse killed with glanders, by order of said board.

Relief of James Allen, Clay county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Clay county may pay James Allen for a horse with the glanders ordered killed by said board, if in the discretion of said board the same should be paid.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 211.

H. B. No. 472.

AN ACT to authorize the board of supervisors of Coahoma county to make an appropriation to the King's Daughters of Clarksdale, Mississippi, for the purpose of constructing and maintaining a home or hospital in the town of Clarksdale.

Authorize appropriation by board of supervisors of Coahoma county for King's Daughters.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Coahoma county, Mississippi, be, and they are hereby, authorized and empowered to make an appropriation out of the funds of said county, not to exceed the sum of ten thousand dollars (\$10,000) to the King's Daughters of Clarksdale, Mississippi, which money, when appropriated by said board, shall be used by said King's Daughters in the construction and maintenance of a home or hospital for the sick and destitute in said county.

Expenditure of appropriation to be under control of board of supervisors.

SEC. 2. That the expenditure of said money, when appropriated, shall be under the control and direction of said board of supervisors, and that the said board of supervisors may appoint trustees to represent said county in the proper expenditure of said money and management of said home or hospital when erected.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 212.

S. B. No. 163.

AN ACT to authorize the boards of supervisors of Copiah and Amite counties to reimburse owners of live stock destroyed on account of glanders.

Copiah and Amite county boards of supervisors authorized to pay claims.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the boards of supervisors of Copiah and Amite counties be, and they are hereby, authorized to pay, in their discretion, to the owners or owner of any horses or mules or stables in which they were kept, destroyed by order of said board on account of glanders, the reasonable value of said stock and stables, and that this act take effect and be in force from and after its passage.

Approved March 3, 1904.

CHAPTER 213.

S. B. No. 255.

AN ACT to authorize the board of supervisors of Copiah county to settle with G. T. Hallis & Co. for certain work done on courthouse of said county.

Relief of G. T. Hallis & Co. for work done.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Copiah county are hereby authorized, in their discretion, to pay to G. T. Hallis & Co., contractors, such sum as they may deem due the said G. T. Hallis & Co. for work done on courthouse yard and walks and removing certain buildings therefrom.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 214.

H. B. No. 254.

AN ACT to authorize the board of supervisors of Covington county to pay Dr. D. G. Mohler the sum of thirty dollars (\$30), from any money that may be in the county treasury, for medical services rendered the county during year 1903 as county health officer during smallpox epidemic.

Dr. D. G. Mohler, Covington county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Covington county be, and is hereby, authorized and empowered to pay Dr. D. G. Mohler, of Covington county, the sum of thirty dollars (\$30), from any money that may be in the county treasury, for medical services rendered the county during year 1903 as county health officer during smallpox epidemic.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 215.

S. B. No. 319.

AN ACT authorizing the board of supervisors of Franklin county to pay certain expenses in the management of smallpox which prevailed in said county during the month of January, 1900, and to pay Dr. C. T. Hegan, in their discretion, whatever amount may be due him, not to exceed one hundred and nine dollars (\$109) for services rendered.

Dr. C. T. Hegan, Franklin county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Franklin county be, and they are hereby, authorized and empowered, in their discretion, upon the presentation of the itemized accounts of the expenses accrued in the management of certain smallpox cases, to issue a warrant on the treasurer of Franklin county, on the county funds, in favor of the said Dr. C. T. Hegan for the sum of not to exceed one hundred and nine dollars (\$109), to pay said expenses.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 216.

H. B. No. 609.

AN ACT to authorize and empower the board of supervisors of Franklin county, in their discretion, to transfer certain funds of the general county fund to the county bridge fund.

Franklin county to transfer certain funds.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Franklin county are authorized and empowered, in their discretion, to transfer six thousand dollars from the general county fund to the county bridge fund, or so much thereof as may be necessary.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 217.

H. B. No. 421.

AN ACT for the relief of August Olsen, authorizing the board of supervisors of Grenada county to reimburse him for certain stock killed by the sheriff under order of the board of supervisors of said county.

WHEREAS, in order to prevent the spread of a disease known as "glanders," the board of supervisors of Grenada county instructed the sheriff of said county and had him to kill certain stock belonging to August Olsen; that the stock killed by said sheriff was valued at about six hundred and twenty-five dollars (\$625); therefore

August Olsen, Grenada county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Grenada county be, and it is authorized to issue a warrant on the county treasurer of said county, payable to August Olsen, in the sum of six hundred and twenty-five dollars (\$625), or for such sum as the board on investigation may find the value of said stock to be, not to exceed six hundred and twenty-five dollars (\$625), if in their discretion they think he is entitled to any compensation.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 218.

H. B. No. 556.

AN ACT authorizing the board of supervisors of the county of Harrison to pay Dr. W. H. Hosey for medicine furnished and medical attention given the persons affected with smallpox in Harrison county in 1903.

Dr. W. H. Hosey, Harrison county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Harrison county are hereby empowered and authorized to pay Dr. W. H. Hosey for medicine and medical attention given the parties affected with smallpox in said county during the year 1903, not to exceed the sum of six hundred and ten dollars (\$610), upon his showing proof to the board of supervisors that he furnished medicine and medical attention to persons afflicted with smallpox in said county during 1903.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 219.

H. B. No. 262.

AN ACT to authorize the board of supervisors of Hinds county to pay Col. R. J. Harding for expenses rendered in going to Memphis, Tenn., for the purpose of apprehending and bringing into the state one John Armistead, who then stood charged with embezzlement in Hinds county, Mississippi, payment for which expense is not provided for by law.

WHEREAS, Col. R. J. Harding, sheriff of Hinds county during the year 1903 was directed by the circuit court of said county to proceed to Memphis, Tenn., for the purpose of apprehending and bringing into this state one John Armistead, who then stood charged with embezzlement in this county; and

WHEREAS, under the directions of the court, the said sheriff did go to Memphis, Tenn., for the purpose, paying his own expenses; and

WHEREAS, it appears that the laws of Mississippi do not provide for the payment of the expenses incurred, and there is no method of reimbursing the sheriff except by legislative enactment; therefore

R. J. Harding, Hinds county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that on the presentation to the board of supervisors of said county of an itemized account of the expenses rendered as above stated by the authority of said court by the said sheriff, the said board of supervisors are hereby authorized and empowered to allow such amount as they may deem proper, and that if any such allowance be made the clerk of said board of supervisors is hereby ordered and directed to issue a warrant on the treasurer of the said county for the amount that may be allowed, payable to said Col. R. J. Harding.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 19, 1904.

CHAPTER 220.

H. B. No. 548.

AN ACT to authorize the board of supervisors of Hinds county to donate to the King's Daughters of said county money for the relief of the poor and suffering of said county.

Authorizing board of supervisors of Hinds county to donate to King's Daughters.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Hinds county be, and they are hereby, authorized in their discretion to donate or appropriate to the King's Daughters of said county money to be used for

the relief of the poor and suffering of said county on such terms and conditions as they may see proper.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 221.

S. B. No. 358.

AN ACT authorizing the board of supervisors of Holmes county, Mississippi, to appropriate a sum not exceeding four hundred dollars (\$400) to aid the town of Durant, in said county, to erect a town hall.

Authorizing appropriation for town hall at Durant.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Holmes county, Mississippi, is hereby authorized to appropriate, in their discretion, a sum not exceeding four hundred dollars (\$400), to be used by the town of Durant, in said county, in erecting a town hall, said sum, when appropriated, to be drawn out of the treasury of said county on a warrant issued by said board to the clerk of said town.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 15, 1904.

CHAPTER 222.

H. B. No. 563.

AN ACT to authorize the board of supervisors of Holmes county to convey to the town of Lexington the public school property in the town of Lexington, Mississippi.

Board of supervisors to convey lot to town of Lexington.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Holmes county are hereby authorized to execute and deliver to the town of Lexington, Miss., a deed of conveyance to all that part of the lots in the town of Lexington, Miss., on which the public white school is situated, described as lots 206 and 207 in said town, and all buildings situated thereon.

SEC. 2. This act take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 223.

H. B. No. 603.

AN ACT to authorize and empower the board of supervisors of Holmes county, Mississippi, to pay C. J. Gibson and J. S. Harvey for services rendered in suppressing smallpox.

C. J. Gibson, I. S. Harvey, Holmes county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Holmes county, Mississippi, be, and are hereby, authorized and empowered to pay out of the general county fund, for services rendered in suppressing smallpox in Holmes county in the year of 1902, to C. J. Gibson not exceeding one hundred and fifty dollars (\$150), and to J. S. Harvey not exceeding seventy-five dollars (\$75).

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 224.

H. B. No. 491.

AN ACT to authorize and empower the board of supervisors of Kemper county to relieve H. C. Jackson, ex-superintendent of education of Kemper county, Mississippi.

WHEREAS, certain teachers teaching in the public schools of Kemper county, Mississippi, for the year beginning October 1, 1902, and ending October 1, 1903, hold outstanding claims for services as teachers in said public schools during said year; and

WHEREAS, there was not sufficient school funds with which to pay said claims; and

WHEREAS, the same are still outstanding and unpaid; and

WHEREAS, there are now no available school funds to pay the same; therefore

H. J. Jackson, Kemper county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Kemper county, Mississippi, be, and are hereby, authorized and empowered to examine into said matter and to that end may examine witnesses on oath and send for books, papers, and vouchers, and may, in their discretion, appropriate money from the general county fund to relieve said H. C. Jackson and pay said outstanding claims, or may, in their discretion, levy tax to pay said outstanding claims to an amount not to exceed eight hundred dollars (\$800).

SEC. 2. That this act take effect from and after its passage.

Approved March 16, 1904.

CHAPTER 225.

H. B. No. 500.

AN ACT to authorize the board of supervisors of Jasper county to compensate Dr. A. B. Clanton for professional services rendered in an epidemic of smallpox occurring in said county in the year 1866.

Dr. A. B. Clanton, Jones county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Jasper county be, and they are hereby authorized, if they, in their discretion see fit, to pay to Dr. A. B. Clanton, out of the county treasury a sum not to exceed one hundred dollars (\$100) for professional services rendered by him in the treatment of smallpox patients and in the suppression of a certain epidemic of smallpox occurring in said county in the year 1866.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 226.

H. B. No. 109.

AN ACT to authorize and require the county treasurer of Jefferson county to transfer from the road fund the sum of two thousand nine hundred and ninety dollars and sixty-three cents (\$2,990.63) now to the credit of said fund, to the general county fund.

Jefferson county, road fund to be transferred to general fund.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the county treasurer of Jefferson county is hereby authorized and required to transfer from the road fund the sum of two thousand nine hundred and ninety dollars and sixty-three cents (\$2,990.63), now to the credit of said fund, to the general county fund, to be used by the board of supervisors of said county for general county purposes.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 8, 1904.

CHAPTER 227.

H. B. No. 146.

AN ACT to authorize and empower the board of supervisors of Jefferson county to make all necessary repairs on and additions to the property of the county known as "the Fayette Academy property."

Fayette academy, repairs to.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Jefferson county be, and it is hereby, authorized and empowered to make all necessary repairs on and additions to the property of the county known as "the Fayette academy," said repairs and additions to be made as provided by law for other public work.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 8, 1904.

CHAPTER 228.

H. B. No. 429.

AN ACT to authorize the board of supervisors of Jefferson county to make a donation of a sum of money not exceeding one thousand dollars (\$1,000) out of the general county fund of the county for the purpose of assisting in the erection of a monument at Fayette, Mississippi, in honor of the confederate veterans of Jefferson county.

Donation for monument to confederate veterans, Jefferson county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Jefferson county be, and it is hereby, authorized to make a donation of a sum of money not exceeding the sum of one thousand dollars (\$1,000), out of the general county fund of the county for the purpose of aiding in the erection of a monument at Fayette to the memory of the confederate veterans of Jefferson county.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 229.

H. B. No. 430.

AN ACT to authorize the board of supervisors of Jefferson county to audit the claim of Forest Dent for stock killed by reason of having been affected with glanders, and to make such allowance to him as in their discretion they may deem proper.

Forest Dent, Jefferson county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Jefferson county be, and it is hereby, authorized to audit the claim of Forest Dent for stock killed during the year 1899 by reason of the disease commonly called glanders, and after hearing all the facts in the case to make such allowance in satisfaction of said claim as in their discretion they may deem proper.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 230.

H. B. No. 431.

AN ACT to authorize the erection of a monument upon the property of Jefferson county at Fayette, Mississippi, known as the public square, in said town, to the memory of the confederate veterans of Jefferson county.

Monument to be erected at Fayette, Jefferson county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the J. J. Whitney camp of confederate veterans at Fayette, Mississippi, be, and it is hereby, authorized to erect a monument to the memory of the Confederate veterans of Jefferson county on the property known as the public square in the town of Fayette, Mississippi, and to beautify and adorn the said public square in such manner as the said camp of confederate veterans may deem proper; *provided*, that the erection of such monument shall in no way interfere with the use of said square by the general public for the purposes originally intended.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 231.

H. B. No. 502.

AN ACT to authorize the board of supervisors of Jones county to compensate Dr. A. B. Clanton for professional services rendered in an epidemic of smallpox which occurred in said county in the years 1878 and 1879, or in either of said years.

Dr. A. B. Clanton, Jones county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Jones county are hereby authorized if, in their discretion, they see fit to pay to Dr. A. B. Clanton out of the treasury of said county a sum not to exceed fifty dollars (\$50) for professional services rendered by him in the treatment of smallpox patients and in the suppression of a certain smallpox epidemic which occurred in said county in the years 1878 and 1879 or in either of said years.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 232.

S. B. No. 81.

AN ACT to authorize and empower the board of supervisors of Lafayette county, Mississippi, to pay Drs. P. W. Rowland, J. P. Wilkins and A. A. Young for professional services rendered in the post mortem examination on the bodies of Hugh and John A. Montgomery, murdered in said county on or about the 16th day of November, 1901.

WHEREAS, on or about the 16th day of November, 1901, Hugh Montgomery, a citizen of Pontotoc county, Mississippi, and J. A. Montgomery, a citizen of Lafayette county, Mississippi, were murdered in said county of Lafayette, seven miles south of Oxford, Mississippi, by a person or persons then unknown, and their bodies partly consumed by fire so that it became and was necessary to determine the manner of death, the time of death, and whether they were murdered and the bodies burned, or whether death was caused by the accidental burning of the residence where they passed the night; and

WHEREAS, Drs. P. W. Rowland, J. P. Wilkins, and A. A. Young were requested and in the interest of the due administration of justice did take charge of the bodies of the said deceased and did perform an autopsy and did then and there ascertain that the said

Hugh and J. A. Montgomery were shot to death and murdered while asleep in bed at the house of one Will Mathis.

Drs. P. W. Rowland, J. P. Wilkins and A. A. Young, Lafayette county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of the county of Lafayette and state of Mississippi be, and they are hereby, authorized and empowered, in its discretion, to allow and pay to the said T. W. Rowland, J. P. Wilkins and A. A. Young, or their legal representatives, such sum in full compensation for the said services as in the judgment of the said board may seem reasonable and just, not to exceed the sum of one hundred dollars (\$100).

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved February 12, 1904.

CHAPTER 233.

H. B. No. 582.

AN ACT for the relief of J. R. Harkins, ex-sheriff of Lafayette county, Mississippi, authorizing and empowering the board of supervisors of said county to reimburse him for expenses incurred in capturing Ed Owens, alias Jake Smith.

J. R. Harkins, ex-sheriff Lafayette county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Lafayette county, Mississippi be, and they are hereby, authorized and empowered, in their discretion, to pay to J. R. Harkins the sum of fifty dollars (\$50), or so much thereof as they deem proper, which amount was expended by him in capturing Ed Owens, a desperate criminal.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 234.

S. B. No. 4.

AN ACT to authorize the board of supervisors of Lauderdale county to pay to J. W. Stainton one thousand dollars (\$1,000) to reimburse him for private funds expended by him in payment of county school warrants when there was no public fund available for their payment.

J. W. Stainton, Lauderdale county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Lauderdale county

be, and is hereby, authorized in its discretion to pay to J. W. Stainton, a former county treasurer of said county, the sum of one thousand dollars (\$1,000), or so much thereof as it may see proper, to re-imburse said J. W. Stainton for the payment by him from private funds of certain of the county school warrants of said county, issued by the proper authorities of said county for the scholastic year 1899 and 1900, and for the payment of which there was at the time no available public fund in the hands of said treasurer. Said board of supervisors may direct the payment of said sum or any part thereof, from any of the surplus school funds of said county, if any, or from the general county funds of said county.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved January 27, 1904.

CHAPTER 235.

S. B. No. 21.

AN ACT authorizing the board of supervisors of Lauderdale county to pay Edwin McMorries, treasurer of a citizens' committee, the sum of six hundred and eleven dollars and sixty cents (\$611.60) to reimburse said committee for the construction of a public bridge of said county in the spring of 1900.

Edwin McMorries, Lauderdale county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Lauderdale county be, and is hereby, authorized in its discretion to pay to Edwin McMorries, as treasurer of a citizens' committee, the sum of six hundred and eleven dollars and sixty cents (\$611.60), or so much thereof as it may see proper, out of the general county fund of said county, to reimburse said citizens' committee for said amount expended by them in the construction of a public bridge across Sowasha creek on the Enterprise public road, which was destroyed by high water in the spring of 1900. Said bridge being constructed by said citizens' committee, in case of an emergency then existing, for the convenience and accommodation of the public.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 12, 1904.

CHAPTER 236.

S. B. No. 145.

AN ACT to furnish Lauderdale county with certain books for the county library.

Lauderdale county to be furnished books for county library.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that whereas, on February 24, 1903, the county library of Lauderdale county was destroyed by fire, the secretary of state is hereby authorized and directed to furnish to the sheriff of said county, for the county library, a full set of Mississippi reports and the various digests, codes, statutes of the state, legislative journals, department reports, and such other books and documents as have been assigned by law to county libraries, so far as he may be able to do so from the books now in his possession.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 12, 1904.

CHAPTER 237.

H. B. No. 264.

AN ACT authorizing the board of supervisors of Lauderdale county to pay to the city of Meridian the sum of three hundred dollars (\$300), or so much thereof as may be necessary for equipments of said fire department destroyed in the burning of the court-house of Lauderdale county in 1903.

Meridian, city of, to be reimbursed for burning of fire apparatus.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Lauderdale county is hereby authorized, in its discretion, to pay to the mayor and boards of councilmen and aldermen of the city of Meridian the sum of three hundred dollars (\$300), or so much thereof as it may see proper, in payment for certain equipments of the fire department of said city, lost and destroyed on the occasion of the burning of the court-house of said county in 1903.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 24, 1904.

CHAPTER 238.

S. B. No. 131.

AN ACT authorizing and empowering the board of supervisors of Lawrence county, Mississippi, to loan certain bridge funds now on hand in the county treasury.

WHEREAS, the county of Lawrence, state of Mississippi, has issued and sold certain bonds of the county for the purpose of building a steel drawbridge across Pearl river at Monticello, Mississippi; and since a considerable amount of money belonging to the county on account of this fund will have to lie idle in the county treasury till November 5, 1905, this being the time when said bonds are redeemable at the option of the county, the said amount lying so idle being thirteen thousand nine hundred and sixty-two dollars and five cents (\$13,962.05), or thereabouts; therefore

Board of supervisors of Lawrence county to loan certain moneys.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Lawrence county, Mississippi, be, and they are hereby, authorized and empowered to loan out any or all of said surplus money which the county now has or may have on hand belonging to this fund, the said loan or loans not to be made to extend for a longer time than November 5, 1905, and not at a greater rate of interest per annum than eight per cent, nor less than four per cent, and that said loan or loans shall be secured as follows, to wit: real estate, bank or other stocks, town, city, county, state or United States bonds, in the discretion of the board of supervisors of the county.

Loan to be made at regular meeting of board.

SEC. 2. Said loans shall be made by the board of supervisors at their regular meetings. All applications for loans must be in writing and contain a description of the security offered, which application must be signed "approved" by at least three members of the board and the clerk of said board.

Clerk to draw warrant for loan.

SEC. 3. The clerk of the board of supervisors shall be authorized, by an order duly spread upon the minutes of said board, to draw warrant or warrants on the county treasurer in favor of the party to whom a loan of money under the provisions of this act may be made for amount of said loan, and said warrant or warrants shall be signed as in other cases by said clerk.

SEC. 4. That this act take effect and be in force from and after its passage.

Approved February 8, 1904.

CHAPTER 239.

S. B. No. 32.

AN ACT to authorize the board of supervisors of Leake county to pay Dr. H. H. Howard for services rendered and virus furnished during smallpox epidemic in April and May, 1900, and prior to the fixing of salary of health officer of said county.

Dr. H. H. Howard, Leake county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Leake county be, and is authorized in its discretion to pay to Dr. H. H. Howard from the general fund of said county such sum as it may deem just and proper, not exceeding one hundred dollars and thirty-four cents (\$100.34), in full settlement of his claim for services rendered and virus furnished during smallpox epidemic in April and May, 1900, and before the salary of the health officer of said county had been fixed.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 240.

H. B. No. 203.

AN ACT to empower the board of supervisors of Leake county to reimburse J. H. Brown for services rendered smallpox patients in said county.

J. H. Brown, Leake county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Leake county be, and are hereby, empowered, in their discretion, to allow the account or part thereof of J. H. Brown for services rendered certain smallpox patients in said county in the year 1899, said amount not to exceed fifty-five dollars (\$55).

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 24, 1904.

CHAPTER 241.

H. B. No. 581.

AN ACT to authorize the board of supervisors of Leake county, Mississippi, to pay Mrs. Ottie McMillon (*nee* Walker) the sum of thirty dollars (\$30) out of the general county fund for services she rendered in said county as public school teacher in the year 1901.

Mrs. Ottie McMillon, Leake county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Leake county, Mississippi, are hereby authorized and empowered, at their discretion, to pay Mrs. Ottie McMillon (*nee* Walker) the sum of thirty dollars (\$30), payable out of the general county fund of said county, for her services as teacher in the public schools of said county for one month in the year of 1901, and for which the county has never paid her anything.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 242.

H. B. No. 412.

AN ACT to furnish the county of Lee with certain books for the county library.

Lee county to be furnished books for county library.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that whereas, on the 12th day of February, 1904, the county library of Lee county was destroyed by fire, the secretary of state is hereby authorized and directed to furnish the sheriff of said county, for the county library, a full set of Mississippi reports and the various digests, codes, statutes of the state, legislative journals, department reports and such other books and documents as have been assigned by law to the county libraries, so far as he may be able to do so from the books now in his possession.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 243.

H. B. No. 507.

AN ACT to authorize the board of supervisors of Lee county to reimburse M. A. Reese, William Monoghan, Luther Monoghan, E. Strauss, Sam Windows and H. Ezelle, for glandered stock killed, to an amount not to exceed four hundred and forty-five dollars (\$445).

M. A. Reese, Wm. Monoghan, et al., Leake county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Lee county are hereby authorized and empowered, in their discretion, to pay M. A. Reese, William Monoghan, Luther Monoghan, E. Strauss, Sam Windows, and H. Ezelle for glandered stock killed, to an amount not to exceed four hundred and forty-five dollars (\$445).

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 244.

H. B. No. 555.

AN ACT to authorize the board of supervisors of Lowndes county to reimburse Hamp Banks for glandered stock killed by order of the said board of supervisors, to an amount not to exceed sixty dollars (\$60).

Hamp Banks, Lowndes county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Lowndes county are hereby authorized and empowered, in their discretion, to pay Hamp Banks for one glandered horse killed by order of the said board of supervisors on March 25, 1902, to an amount not to exceed sixty dollars (\$60), if in their opinion they think the said Hamp Banks is entitled to any relief.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 245.

S. B. No. 373.

AN ACT authorizing the board of supervisors of Marion county to refund to J. A. Ball an amount which he as sheriff of said county paid into the treasury by mistake.

J. A. Ball, Marion county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Marion county, in its discretion, are authorized to refund and pay to J. A. Ball, out of the general fund in the treasury of said county, the sum of four hundred and eighty-eight dollars and thirty-five cents (\$488.35) which was an overcharge against him by the auditor as sheriff and tax collector of said county, and which he paid by mistake.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 246.

H. B. No. 486.

AN ACT to authorize and empower the board of supervisors of Marshall county to audit the claim of W. S. McNamee for live stock killed by order of said board, affected with glanders, a contagious disease, making all necessary investigations and make such allowance for same as in their discretion they may deem just and proper.

W. S. McNamee, Marshall county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Marshall county are hereby authorized and empowered to audit the claim of W. S. McNamee for live stock killed by order of said board, which was affected with glanders, a contagious disease, to make all necessary investigations of the correctness of such claim and make such allowance out of the county treasury as compensation for said live stock as in their discretion they may deem just and proper.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 247.

S. B. No. 360.

AN ACT to authorize the board of supervisors of Monroe county to borrow the funds arising from the 16th section lands, and other purposes.

Monroe county, board of supervisors may borrow sixteenth section funds.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of the county of Monroe are authorized to borrow the funds in their hands or to come into their hands arising from the rents, issues and profits of the sixteenth sections of lands known as school lands lying in Monroe county.

Rate of interest to be paid on loan.

SEC. 2. That upon the borrowing of said funds by said county of Monroe, the same shall be done by resolution entered on their minutes, and they shall pay six per cent interest per annum on same, and the county treasurer shall carry on his books as a charge against the county the amounts of said funds, and to what fund the same or parts of the same has been used.

SEC. 3. That this act shall be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 248.

S. B. No. 371.

AN ACT to authorize the county of Monroe to build a county jail on deferred payments, and other purposes.

Build jail on deferred payments.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of the county of Monroe are hereby authorized to erect and build a jail for said county upon the terms of deferred payments, as follows: Five thousand dollars (\$5,000) cash, five thousand dollars (\$5,000) in one year from acceptance, and five thousand dollars (\$5,000) in two years, and five thousand dollars (\$5,000) in four years from date of its acceptance by the board.

Bonds may be issued.

SEC. 2. That for the deferred payments the county of Monroe is authorized to issue its bonds or warrants bearing six per centum interest from date till paid.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 249.

H. B. No. 361.

AN ACT to authorize the board of supervisors of Monroe county to purchase a steel drawbridge and the abutments thereto across the Tombigbee river, in said Monroe county.

Authority to purchase steel drawbridge.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Monroe county, Mississippi, be, and it is hereby, authorized, in their discretion, to purchase of the Southern Bridge Company, of Birmingham, Ala., and L. D. Boothe, of Monroe county, a steel drawbridge and abutments, erected by said bridge company and said Boothe respectively, in said county, across the Tombigbee river, a navigable stream, at and for such sum as may be agreed upon by and between the said board and the said bridge company and said Boothe.

Purchase may be paid in cash or installments.

SEC. 2. That in the event said purchase authorized by section 1 is made, the purchase price agreed upon may be paid to said bridge company and said Boothe as follows, *provided*, the purchase price shall not exceed the sum of twelve thousand dollars (\$12,000), and *provided* all suits against said county by said bridge company and said Boothe are dismissed within one week before the next meeting of the court or courts in which said suit or suits are pending against said county after the passage of this act.

(1) The purchase price may be for cash, to be paid to said bridge company and said Boothe by the treasurer of the county upon the warrant of said board, out of any money in the treasury of said county which may be applied legally in that way.

(2) The purchase price may be paid, part in cash and part in a deferred installment or in deferred installments; and, in such case, the part of the price paid in cash shall be paid in the same manner provided for the cash payment of the total amount above; and the balance may be paid in one, two, three or four annual installments, according to the agreement between said board and said bridge company and said Boothe, for which deferred installments said board shall issue its interest-bearing, county loan warrant or warrants, bearing interest at a rate to be agreed upon between said board and said company and said Boothe, not to exceed seven per cent per annum; the interest payable annually, on the first day of January of each year after the date of issuance of said warrants. If there be but one deferred payment, the warrant or warrants issued for the same shall be payable the first day of January after the issuance thereof; and, if there be more than one installment of deferred payments, the second installment, in like manner, the second

first of January; the third installment, the third first of January; and the fourth installment, the fourth first of January, after the issuance of said warrants respectively.

Settlement to be determined by agreement.

The amount of cash to be paid and the respective denominations of the warrants to be issued and the amount of each installment to be determined by agreement between said board and said company and said Boothe, and said board of supervisors are hereby authorized to issue said warrants according to said agreements and according to the provisions of this act.

SEC. 3. And that this act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 250.

H. B. No. 102.

AN ACT to authorize the board of supervisors, in their discretion, to pay certain teachers of Neshoba county for services rendered during the years 1900-1903, and for which they received no pay.

For relief of school teachers of Neshoba county.

WHEREAS, certain teachers of Neshoba county during the years 1900-1903 taught certain months of school in said county for which, owing to a miscalculation on the part of the county treasurer and other causes, they failed to receive pay for same; therefore

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Neshoba county be, and they are hereby, authorized and empowered, if they see fit, to levy a tax of one-half mill on all the taxable property of said county in the year 1904, the proceeds to be applied to the payment of said teachers, to be drawn out of the treasury in the usual way for paying teachers. Should there be a surplus after paying all of said claims, this surplus shall be placed in the common school funds of said county.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 22, 1904.

CHAPTER 251.

H. B. No. 347.

AN ACT to authorize the board of supervisors of Noxubee county to lend any money arising from the half-mill tax for courthouse for such time as it may deem advisable, not to exceed three years, and to place the interest derived from such moneys to the credit of the sinking fund.

Noxubee county to loan money arising from one-half mill courthouse tax.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Noxubee county, in said state, be, and it is hereby, authorized and empowered to loan at interest, secured by first lien on improved farm lands in Noxubee county, the amount loaned not to exceed two-thirds of the assessed value thereof, any money arising from the half mill tax levied for courthouse purposes in said county, and to place to the credit of sinking fund all interest arising from such loan.

SEC. 2. That this act take effect on and after its passage.

Approved March 9, 1904.

CHAPTER 252.

H. B. No. 501.

AN ACT to authorize the board of supervisors of Perry county to compensate Dr. A. B. Clanton for professional services rendered in an epidemic of smallpox which occurred in said county in the years 1878 and 1879.

Dr. A. B. Clanton, Perry county, relief of.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Perry county are hereby authorized, if they in their discretion see fit, to pay to Dr. A. B. Clanton, out of the treasury of said county a sum not to exceed fifty dollars (\$50) for professional services rendered by him in the treatment of smallpox patients and in the suppression of a certain epidemic of smallpox which occurred in said county in the years 1878 and 1879, or in either of said years.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1904.

CHAPTER 253.

S. B. No. 200.

AN ACT to provide for library for Sharkey county.

WHEREAS, the county library of Sharkey county, in the state of Mississippi, was, in 1902, destroyed by fire when the courthouse of said county was burned, and said county has had no library since said fire; therefore,

Sharkey county to be furnished books for county library.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the secretary of state is hereby required to furnish to the sheriff of Sharkey county for said county a set of the Mississippi reports, the Mississippi codes and sheet acts, out of any books in the office of secretary of state not necessary for said office, and if not able to furnish all to furnish such as he can.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 7, 1904.

CHAPTER 254.

S. B. No. 232.

AN ACT to authorize the treasurer of Sharkey county to transfer all moneys belonging to the special courthouse fund of said county to the general fund of said county for general county purposes.

Treasurer of Sharkey county authorized to transfer courthouse fund.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the county treasurer of Sharkey county, in this state, be and is hereby authorized to transfer all moneys belonging to the special courthouse fund of said county to the general county fund of said county, to be used for general county purposes.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 255.

H. B. No. 474.

AN ACT to authorize the board of supervisors of Sunflower county to build new bridges, or repair bridges across Indian Bayou, in the town of Indianola.

Supervisors of Sunflower county authorized to build bridge across Indian Bayou.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Sunflower county shall have the power, and are hereby authorized and empowered, to build new bridges or repair old bridges across Indian Bayou in the town of Indianola, from time to time, as necessity may require, and are hereby authorized and empowered to pay for said new bridges or repair of old bridges out of the county funds of said Sunflower county, and for this purpose are hereby granted jurisdiction over said bridges.

SEC. 2. That this act shall take effect and be in full force from and after its passage.

Approved March 16, 1904.

CHAPTER 256.

S. B. No. 239.

AN ACT for the relief of R. J. Thompson, ex-sheriff of Tallahatchie county, authorizing the board of supervisors of said county to reimburse him for money expended in an effort to capture H. R. Stone and C. C. Russel.

For relief of R. J. Thompson, of Tallahatchie county.

WHEREAS, R. J. Thompson, ex-sheriff of Tallahatchie county, expended the sum of two hundred and sixty-one dollars and eighty cents (\$261.80) in efforts to capture and return under requisition H. R. Stone and C. C. Russel, who were indicted for embezzlement in Tallahatchie county and who were fugitives from justice in the state of Illinois; therefore, to reimburse R. J. Thompson for money expended,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Tallahatchie county be, and it is, authorized to issue a warrant on the county treasurer of said county, payable from general county fund, to R. J. Thompson, in a sum not exceeding two hundred and sixty-one dollars and eighty cents (\$261.80), to reimburse him for the expenditure of said sum of money in efforts to capture and return under requisition H. R. Stone and C. C. Russel, provided the board of supervisors may think said allowance proper.

SEC. 2. That this act take effect from and after its passage.

Approved March 10, 1904.

CHAPTER 257.

S. B. No. 292.

AN ACT to authorize and empower the board of supervisors of Tippah county to compensate Dr. N. B. Marsh for services during smallpox epidemic.

To pay N. B. Marsh for services in smallpox epidemic.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Tippah county be, and is hereby, authorized and empowered, in their discretion, to pay to Dr. N. B. Marsh the sum of fifty dollars (\$50), or so much as they may think is just, to compensate him for medical attention to smallpox patients in said county of Tippah two years ago.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 15, 1904.

CHAPTER 258.

H. B. No. 445.

AN ACT to create the office of cotton weigher for Tippah county, to provide for his election and prescribe his duties.

To create office of cotton weigher for Tippah county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the office of cotton weigher for Tippah county, in said state, is hereby created, which shall be filled at an election to be held in said county on the first Tuesday after the first Monday of November, 1904. Said cotton weigher, when elected, shall enter upon the discharge of the duties of said office on the first Monday of October after his election and shall hold his office until the first Monday of January, 1908, and until his successor is elected and qualified. The successor of said officer shall have the same qualifications and be elected at the same time and in the same manner and shall hold the office for the same term as the other county officers of said county. Before entering upon the discharge of his duties said cotton weigher shall take the oath prescribed by section 268 of the constitution of the state, and shall enter into bond with two or more sureties conditioned as other official bonds, to be approved by the clerk of the board of supervisors of said county. Said bond not to be less than five hundred dollars (\$500).

Cotton weigher may appoint deputies.

SEC. 2. Said cotton weigher is hereby empowered to appoint as many deputies as he may deem necessary, who are authorized to act

as his deputies at any place in said county where cotton is to be weighed.

Duty of cotton weigher; fees allowed.

SEC. 3. It shall be the duty of said cotton weigher to weigh and mark all cotton sold in or shipped from any village, town or city in said county, and he shall be entitled to receive as compensation ten (10) cents for each bale of cotton weighed and marked by him, to be paid by the seller.

To make deductions for wet or damaged cotton.

SEC. 4. It shall be the duty of said cotton weigher to make all proper deductions for all wet or damaged cotton weighed by him, and he shall give to the seller a certificate showing the number and net weight of each bale of cotton weighed by him.

SEC. 5. That this act take effect and be in force from and after its passage.

Approved March 15, 1904.

CHAPTER 259.

H. B. No. 211.

AN ACT to create the office of cotton weigher for Tishomingo county, to provide for his election and prescribe his duties.

To create office of cotton weigher in Tishomingo county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the office of cotton weigher for Tishomingo county in said state, is hereby created, which shall be filled at an election to be held in said county on the first Thursday in August, 1904. Said cotton weigher, when elected, shall enter upon the discharge of the duties of said office on the first Monday of September after his election, and shall hold his office until the first Monday of January, 1908, and until his successor is elected and qualified. The successors of said officer shall have the same qualifications and be elected at the same time and in the same manner, and shall hold their office for the same term as the other county officers of said county. Before entering upon the discharge of his duties said cotton weigher shall take the oath prescribed by section 268 of the constitution of the state, and shall enter into bond with two or more sureties, conditioned as other official bonds, to be approved by the clerk of supervisors court of said county. Said bond not to be less than five hundred dollars (\$500).

Authorized to appoint deputies.

SEC. 2. Said cotton weigher is hereby empowered to appoint as many deputies as he may deem necessary, who are authorized to act

as his deputies at any place in said county where cotton is to be weighed.

To weigh and mark cotton.

SEC. 3. It shall be the duty of said cotton weigher to weigh and mark all cotton sold in or shipped from any village, town or city in said county, and he shall be entitled to receive as compensation ten (10) cents for each bale of cotton weighed and marked by him, to be paid by the seller.

To make deductions for wet or damaged cotton.

SEC. 4. It shall be the duty of said cotton weigher to make all proper deductions for wet or damaged cotton weighed by him, and he shall give to the seller a certificate showing the number and net weight of each bale of cotton weighed by him.

SEC. 5. That this act take effect and be in force from and after its passage.

Approved February 24, 1904.

CHAPTER 260.

H. B. No. 181.

AN ACT to authorize the board of supervisors of Union county to pay the account of J. E. Coltharp for coffin furnished pauper.

To pay J. E. Coltharp for coffin.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Union county be, and are hereby, authorized to allow the account of J. E. Coltharp of ten dollars (\$10) for coffin furnished Durvin Burk, a pauper of Union county.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 17, 1904.

CHAPTER 261.

S. B. No. 125.

AN ACT to enable the board of supervisors of Union county to refund to N. J. Parker, sheriff of said county, certain money by him expended.

For relief of N. J. Parker, of Union county.

WHEREAS, it appears from proper vouchers that N. J. Parker, sheriff of Union County, Mississippi, in the lawful discharge of his duty, and while endeavoring to collect privilege license from one

Lynch, engaged in the sale of agencies and territory for the sale of washing machines; and,

WHEREAS, in said suit the said sheriff was unsuccessful and incurred costs and expenses amounting to fifty-seven dollars and eight cents (\$57.08); now, therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Union county is hereby authorized and empowered, in its discretion, to refund to the said N. J. Parker the said sum of fifty-seven dollars and eight cents (\$57.08), or any part thereof that to them seems just.

SEC. 2. - This act shall take effect and be in force from and after its passage.

Approved February 26, 1904.

CHAPTER 262.

H. B. No. 324.

AN ACT for the relief of W. K. Daniel, of Union county.

For relief of W. K. Daniel, of Union county.

WHEREAS, W. K. Daniel, late treasurer of Union county, Miss., gave his note to said county for the sum of four hundred dollars (\$400), with interest thereon; and,

WHEREAS, said treasurer gave said note to pay the debts of other parties indebted to said county who took advantage of the statute of limitations and would not pay the same; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Union county are hereby authorized and permitted to compromise, settle with and release said W. K. Daniel from all indebtedness due by him on said note of four hundred dollars (\$400), when he shall have paid enough money to the county to pay the amount of principal due by said note, without paying any interest on the same.

SEC. 2. That this act take effect from and after its passage.

Approved March 15, 1904.

CHAPTER 263.

S. B. No. 182.

AN ACT to authorize and empower the board of supervisors of Warren county, in their discretion, to donate or refund Ben Guider, certain moneys paid by him as surety on the bond of H. T. Moore, deceased, late superintendent of education of said county.

Authorizing supervisors of Warren county to refund to Ben Guider certain moneys.

WHEREAS, during the years 1892, 1893, 1894, and 1895 H. T. Moore, superintendent of education of Warren county, under a mis-

conception and construction of the laws authorizing such superintendent to contract with, and the payment of school teachers, and for the economic purpose of saving to his county and the school fund, he did, during said four years as such county superintendent, contract with and pay to certain school teachers in his county a small amount to each school teacher in excess of the maximum strictly allowed by law for the payment of school teachers; and,

WHEREAS, notwithstanding the said county superintendent of education did actually save to said county school funds during said terms of years, by such mode of contracting with and paying said teachers, the sum of over six thousand dollars (\$6,000), the state revenue agent, by suit after the death of said superintendent, did obtain judgment in the sum of two thousand dollars (\$2,000) against the bondsmen of said superintendent; and,

WHEREAS, Ben Guider, of Vicksburg, one of said superintendent's bondsmen against whom said judgment was obtained, did pay two thousand dollars (\$2,000), which amount was paid into the proper treasury, as provided in such case; and,

WHEREAS, neither the said county superintendent nor said bondsman received any portion of said amount, and that the said county of Warren and its school fund was largely and financially benefited by the misconstruction of the law by the said superintendent; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Warren county have, and they are hereby, authorized and empowered, in their discretion, to donate or refund to Ben Guider, of Vicksburg, out of the county treasury the sum of sixteen hundred dollars (\$1,600), or so much thereof as they may think right and just, paid by the said Guider in the year 1899 as surety on the bond of H. T. Moore, deceased, late county superintendent of education.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 10, 1904.

CHAPTER 264.

H. B. No. 308.

AN ACT to authorize the board of supervisors of Washington county, Mississippi, to make an appropriation to the King's Daughters, Circle No. 2, of Greenville, Mississippi, for the purpose of constructing a home or hospital in the city of Greenville.

Authorizing supervisors of Washington county to aid the King's Daughters.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Washington county, Mississippi, be, and they are hereby, authorized and empowered to

make an appropriation out of the funds of said county, not to exceed the sum of ten thousand dollars (\$10,000), to the King's Daughters Circle No. 2, of Greenville, Mississippi, which money, when appropriated by said board, shall be used by said King's Daughters, Circle No. 2, in the construction of a home or hospital for the sick and destitute in said county.

SEC. 2. That the expenditure of said money, when appropriated shall be under the control and direction of said board, and that the said board has the power and authority to appoint a trustee to represent the county in the proper expenditure of said money and the management of said home or hospital when erected.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved February 24, 1904.

CHAPTER 265.

S. B. No. 234.

AN ACT to create the office of cotton weigher for Webster county, to provide for his election and prescribe his duties.

To create office of cotton weigher for Webster county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the office of cotton weigher for Webster county, in said state, is hereby created, which shall be filled at an election to be held in said county on the first Tuesday in August, 1904. Said election to be held in compliance with the general election laws of this state. The said cotton weigher, when elected, shall enter upon the discharge of the duties of said office on the first Monday in September after his election, and shall hold his office until the first Monday in January, 1908, and until his successor is elected and qualified. The successors of said officer shall have the same qualifications and be elected at the same time and in the same manner, and shall hold their office for the same term as the other county officers of said county. Before entering upon the discharge of his duties said cotton weigher shall take the oath prescribed by section 268 of the constitution of this state, and shall enter into bond with two or more sureties in the sum of five hundred dollars (\$500), conditioned for the faithful discharge of the duties of said office, without fraud or favor or partiality, said bond to be approved by the board of supervisors of said county.

May appoint deputies.

SEC. 2. That said cotton weigher is hereby empowered to appoint as many deputies as he may deem necessary, who are authorized to act as his deputies at any place in said county where cotton is to be weighed.

weigh all cotton for ten cents per bale.

SEC. 3. It shall be the duty of said cotton weigher to weigh all cotton sold in or shipped from any village, town or city in said county, and he shall be entitled to receive as compensation ten (10) cents for each bale of cotton weighed by him, to be paid by the seller.

make deductions for wet or damaged cotton.

SEC. 4. It shall be the duty of said cotton weigher to make all proper deductions for wet or damaged cotton weighed by him, and he shall give to the seller a certificate showing the number and net weight of each bale of cotton weighed by him.

SEC. 5. That this act take effect and be in force from and after its passage.

Approved March 7, 1904.

CHAPTER 266.

H. B. No. 436.

AN ACT for the relief of B. Deleshmet, ex-sheriff of Webster county, Mississippi, to refund him money overpaid into county treasury on account of fines and forfeitures.

Refunding to B. Deleshmet certain money overpaid on account of fines.

WHEREAS, B. Deleshmet, ex-sheriff of Webster county, Mississippi, while sheriff of said county was charged with certain fines imposed on several persons; and,

WHEREAS, several of said parties were pardoned by the governor, and others are serving sentences which releases said Deleshmet; and,

WHEREAS, the said B. Deleshmet, through mistake, paid into the county treasury of said county the sum of one hundred and forty-six dollars and ninety-five cents (\$146.95) more than was due said county; therefore, to refund said B. Deleshmet money paid through mistake into the county treasury,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Webster county be, and it is hereby, authorized to issue a warrant on the county treasurer of said county payable to the said B. Deleshmet in the sum of one hundred and forty-six dollars and ninety-five cents (\$146.95), for amount overpaid into the treasury through mistake on account of fines and forfeitures, provided the board of supervisors may think said allowance proper.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 267.

H. B. No. 333.

AN ACT to empower the board of supervisors of Wilkinson county to pay W. A. Lanehart, Jr., for certain stock affected with glanders and killed by the sheriff of said county.

To Pay W. A. Lanehart, Jr., for glandered stock killed.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Wilkinson county are hereby authorized, in their discretion, to pay to W. A. Lanehart, Jr., out of the county treasury of said county, an amount not exceeding the sum of nine hundred dollars (\$900) for seven head of mules and horses affected with glanders and killed as required by law by the sheriff of said county.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 268.

H. B. No. 327.

AN ACT to authorize the board of supervisors of Winston county to pay Dr. W. W. Parks for medical services rendered in smallpox epidemic during the year 1900.

To pay Dr. W. W. Parks for services in smallpox epidemic.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Winston county is hereby authorized and empowered, in their discretion, to pay Dr. W. W. Parks, who was acting as county health officer during the epidemic of smallpox in the year 1900, fifty dollars (\$50) for medical services rendered.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 9, 1904.

CHAPTER 269.

H. B. No. 415.

AN ACT to authorize the board of supervisors of Yazoo county, Mississippi, to appropriate money for the support and maintenance of the "King's Daughters'" hospital, located in or near Yazoo City, Mississippi.

Board of supervisors of Yazoo county authorized to aid King's Daughters hospital.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Yazoo county, Mississippi, be, and it is hereby, authorized to make such appropriations out of the general funds of Yazoo county as it may deem proper, for the support and maintenance of the hospital to be erected by the "King's Daughters" in or near Yazoo City, Mississippi.

Approved March 9, 1904.

CHAPTER 270.

S. B. No. 316.

AN ACT to authorize the board of supervisors of Yazoo county to pay Dr. J. W. C. Smith for food furnished and services rendered in treating smallpox cases.

To pay Dr. J. W. C. Smith for services in smallpox epidemic.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, that the board of supervisors of Yazoo county be, and is hereby, authorized, in their discretion, to pay Dr. J. W. C. Smith for food furnished and services rendered in treating smallpox cases in amount not to exceed eighty-six dollars (\$86).

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 15, 1904.

CHAPTER 271.

S. J. R. No. 7.

A JOINT RESOLUTION touching the death of Gen. John B. Gordon.

The announcement of the death of Lieutenant-General John B. Gordon has been received by the legislature of the state of Mississippi, and by all its people, with profound emotion. The last of the

great captains who fought under the eye of the immortal Lee has "crossed over the river to rest with his comrades under the shade of the trees." With the passing of this mighty spirit are severed forever the ties which bound us in earthly communion with that matchless circle of great commanders who are "Freedoms now and Fame's part

Of the few immortal names that
were not born to die."

A peculiar, solemn awe settles o'er us; our hearts are stirred with a strange and insuppressible emotion. We bow in reverence to their mighty shades, beseeching the Great God to keep their lofty standard of honor, their glorious lines of character, their deathless devotion to constitutional liberty in bright, perpetual succession in our hearts to the latest posterity.

No need is there to recount his separate achievements; to do so would be to write the history of the army of Northern Virginia. He who looks upon the collected glory of the midnight heavens needs not to ascertain how much is contributed by each bright particular star. The fields of his fame are secure—they remain forever enshrined in the universal remembrance of mankind, not to pass away till the achievements of splendid genius and heroic valor shall cease to kindle into flame the hearts of the true and brave. In war, whether leading in the forefront of battle with the dash and chivalry of Murat at the head of his thundering squadrons on the fields of Eylau, or drawing with matchless skill Lee's thin and tattered ranks into compact, unconquerable front against overwhelming numbers, he stands out easily one of the greatest of that surpassingly great group, the idol of the army, about whom the invisible spirit of romance breathed its atmosphere, and over whose deeds story and song will perpetually and lovingly linger. In peace as citizen, governor, senator, commander-in-chief of the confederate veterans, he has laid broad and deep the foundations of restored union, of reknitted brotherhood, of permanent industrial supremacy for his native south.

At the close of the great war between the states, like his great chief, he turned his face to the dawn and, with no cringing apologies for fearless service in a cause sacred to him and to us, seized with masterful hand the garment of southern destiny, thrust then into the loom of Fate, and throughout the succeeding forty years wove into its texture with wise and skillful touch threads of splendor, shot through with the rich coloring of moveless fortitude, patient industry, abiding law, order, peace, industrial, agricultural and commercial supremacy until to-day we gaze with exulting joy upon the completed fabric, a veritable field of cloth of gold.

Fortunate in life, his departure is felicitously timed. Lee died with a pall of universal gloom enveloping his beloved people. The radiance of not one single star of hope broke through that gloom. The future of the south was for him alone a matter of faith. He saw the forces of the republic seized by the pirate clutch of frenzied

sectional hate and mercilessly administered "in the eclipse of reason." He saw that spirit of hate thrust into the grave the body of the bleeding south, set its seal and place its watch. And for him there could be nothing save faith in an immutable and eternal God. Gordon has lived to see the Resurrection Angel of the south roll back the stone from the sepulchre, burst the bonds of political disability, shatter the fetters of agricultural, commercial and industrial infirmity and raise radiant from the grave of the old the figure of the new south, omnipotent in power, matchless in the splendor of her resources, gazing from the happy present to the far future filled with increscent splendors, writing meanwhile on her o'erarching skies, in letters of fadeless light, the lost cause is won.

Glorious spirit! Hail and farewell! Bear to our immortal dead the message that we are true to their memory; that the clouds have lifted; that, knit by common sufferings and perils, we are one; one for truth, right, constitutional liberty; one for a restored union called back to the spirit of its founders, and that not while the mountains cast their shadows, not while the noble, the good and the true live to redeem the earth, shall the grandeur of their souls, the unselfish purity of their devotion to their native south, the splendor of their fame cease to move, a master spell, upon the hearts of their countrymen; therefore,

Resolved, that the senate and house of representatives thus solemnly express their sense of loss at the death of this splendid American citizen and ideal southern gentleman.

That an engrossed copy of these resolutions be forwarded to the family of the deceased.

Adopted by senate January 11, 1904.

Adopted by house January 12, 1904.

CHAPTER 272.

S. C. R. No. 11.

CONCURRENT RESOLUTION providing for the appointment of a committee to draft a bill redistricting the state so as to relieve chancellors and circuit judges.

WHEREAS, it is perfectly evident that the present number of chancellors and circuit judges is entirely too small to allow them to attend to the business before them, and that justice is being greatly delayed thereby, therefore, be it

Resolved, that a committee of twelve be appointed by the speaker from the house, and a committee of twelve be appointed from the senate to jointly draft a bill redistricting the state so as to relieve those chancellors and circuit court judges who cannot perform the duties now required of them, by contracting the boundaries of the present districts.

Passed the senate January 12, 1904.

Passed the house January 15, 1904.

CHAPTER 273.

S. C. R. No. 1.

CONCURRENT RESOLUTION expressing the sense of the Legislature on the Panama Canal treaty now pending in the United States senate.

Appreciating the tremendous importance of an Isthmian canal to the commerce of the world, and especially the benefits that will accrue to the whole south from the construction of such a water-way between the Atlantic and Pacific oceans, which would make of Mississippi particularly an open gateway for worldwide commerce and traffic; realizing that conditions have so shaped themselves that the country must choose between the Panama route and indefinite and probably permanent postponement of the construction of a canal at any point across Central America; and waiving all questions of right or wrong in the recognition by this government of the republic of Panama, for which we of Mississippi are in no sense responsible, but all of which is now an accomplished fact, presenting a condition which must be met by this country, therefore, be it

Resolved by the senate, the house concurring, 1st. That it is the sense of this legislature that the treaty touching the construction of the canal now pending between this government and the republic of Panama should be speedily ratified and thereby make certain the only apparently possible opportunity presented to this country for the construction of an Isthmian canal.

2d. That Senators H. D. Money and A. J. McLaurin be, and are hereby, urged to use their best endeavors to secure the ratification of said treaty.

3d. That an engrossed copy of these resolutions be forwarded to each of said senators.

Adopted by senate January 6, 1904.

Adopted by house January 7, 1904.

CHAPTER 274.

S. C. R. No. 2.

CONCURRENT RESOLUTION endorsing the levee convention recently held in the city of New Orleans and memorializing congress to appropriate money for Mississippi river improvement.

Resolved by the Senate of the State of Mississippi, the House of Representatives concurring therein, that we do hereby most heartily and earnestly endorse all that was attempted to be accomplished by the "Interstate Mississippi River Levee Convention" held in the city

of New Orleans, state of Louisiana, on October 27, 1903; be it further

Resolved, that, as the Mississippi river is a national highway of commerce, and its improvement and the protection from overflow of the lands in the Mississippi river valley is the nation's duty and national in scope and character, we do hereby memorialize the congress of the United States to appropriate a sufficient amount to improve the navigation of said river and to protect the fertile, rich and vast domain of the Mississippi river valley from overflow, by the construction of levees along both banks of same; be it further

Resolved, that these resolutions be engrossed and copies thereof sent to each member of congress from this state.

Adopted by senate January 7, 1904.

Adopted by house February 3, 1904.

CHAPTER 275.

H. C. R. No. 8.

A RESOLUTION thanking congressman B. G. Humphreys for introducing a bill in congress making it unlawful for the United States government to issue license to sell liquors in the states and counties where the sale is prohibited by state law.

Resolved, that the thanks of the legislature, the senate concurring, are eminently due and are hereby tendered to Hon. B. G. Humphreys, member of congress from the third district of Mississippi, for his timely bill asking the United States government to make it unlawful to issue license to any one to sell or aid in the sale of spirituous liquors in any state or county in which the sale is prohibited by state law.

Adopted by the house January 12, 1904.

Adopted by the senate February 1, 1904.

I, JOSEPH W. POWER, Secretary of State, of the State of Mississippi, do hereby certify that the Acts and Resolutions contained in this volume have been compared with the original Enrolled Acts and Resolutions now on file in this office, and that the same are correct and true copies. The apparent omissions of words and inaccuracies of language appear in the Enrolled Acts.

In witness whereof I have hereunto set my hand and affixed the Great Seal of the State of Mississippi.

Done at the city of Jackson, this 23d day of May, 1904.

[SEAL.]

JOSEPH W. POWER,
Secretary of State.

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